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Legislative Assembly of Ontario

First Session, 41st Parliament



Official Report of Debates (Hansard)

Wednesday 22 October 2014

**Standing Committee on
Regulations and Private Bills**

Organization

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

Mercredi 22 octobre 2014

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 22 October 2014

Mercredi 22 octobre 2014

The committee met at 0905 in committee room 1.

ELECTION OF CHAIR

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning, honourable members. Welcome to the Standing Committee on Regulations and Private Bills.

Interjection: Hello.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning. It is my duty to call upon you to elect a Chair. Are there any nominations? Ms. Wong.

Ms. Soo Wong: I nominate Ms. Indira Harris as the chair of this regulations and private bills standing committee.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Ms. Naidoo-Harris, do you accept the nomination?

Ms. Indira Naidoo-Harris: Yes, I do. Thank you.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Are there any further nominations? There being no further nominations, I declare the nominations closed and Ms. Naidoo-Harris elected Chair of the committee.

Would you please take the chair?

ELECTION OF VICE-CHAIR

The Chair (Ms. Indira Naidoo-Harris): Good morning, honourable members. It is my duty to entertain a motion for Vice-Chair. Are there any motions? Soo Wong?

Ms. Soo Wong: Madam Chair, I am going to nominate Ms. McGarry to be appointed as the Vice-Chair of this committee.

The Chair (Ms. Indira Naidoo-Harris): A motion has been moved by MPP Soo Wong to nominate Kathryn McGarry as Vice-Chair. Is there any debate? Are the members ready to vote? Shall the motion carry? The motion is carried. Thank you.

Mrs. Kathryn McGarry: Thank you.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Ms. Indira Naidoo-Harris): Now we move on to the appointment of the subcommittee on committee business. Is there a motion? MPP Soo Wong?

Ms. Soo Wong: Thank you very much, Madam Chair. I move that the subcommittee be composed of the following members: the Chair as Chair, Ms. Vernile, Mr. Bailey and Ms. French; and

That substitution be permitted on the subcommittee.

Interjection.

Ms. Soo Wong: I have to read the whole thing? I was trying to help us with time.

I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Ms. Vernile, Mr. Bailey and Ms. French; and

That substitution be permitted on the subcommittee.

I was trying to go right down to the essence of the business. Right?

Interjections.

The Chair (Ms. Indira Naidoo-Harris): So, everyone, a motion has been moved by MPP Soo Wong. Is there any debate? Are members ready to vote? Shall the motion carry? All those in favour, please raise your hand. It's carried.

BRIEFING

The Chair (Ms. Indira Naidoo-Harris): Now we have a short briefing by the Clerk and research officer.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning. My name is Valerie Quioc Lim and I am the Clerk of the committee. I will talk briefly about my role, specifically about private bills, then I will turn it over to Tamara Hauerstock, the committee's research officer, to talk about regulations.

The committee's permanent mandate under the standing orders is two-part: One is the review of regulations and the other is the consideration of private bills. This is under standing orders 82 to 97 and standing order 108(i). This is the committee to which private bills are referred after first reading and to which all regulations stand permanently referred.

Talking a little bit about private bills, a private bill relates to a matter of special benefit to a particular person or organization. It does not form part of public law and does not have general application to everyone in Ontario. It only applies to those to whom a bill specifically applies. A private bill is initiated by an application from a member or members of the public. It does go through the same legislative stages as a public bill and so it requires an MPP sponsor to introduce it in the House and to carry it in committee.

In addition to the committee's permanent mandate, the House may refer government bills or private members' public bills for the committee's consideration, or a matter for its review.

A resource binder with detailed information on this as well as the procedural and administrative practices of the committee was previously sent to your offices. My contact information is on the last page, so please contact me if you have any questions or if you require any assistance.

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As committee Clerk, my role is to provide confidential and impartial advice on procedure and to provide administrative support to all committee members. You will see that committee meetings are regularly staffed by a Clerk like myself, a research officer, a Hansard reporter and a broadcast and recording operator. When we conduct clause-by-clause consideration of a bill or when we're considering a private bill, we will have legislative counsel present as well.

Again, please contact me if you need any help; any questions. Our door is always open.

Now I turn the time to Tamara Hauerstock.

Ms. Tamara Hauerstock: Good morning. I'm Tamara Hauerstock. I'm the research officer and legal counsel to this committee with respect to regulations. I'm here this morning to give you a brief overview of the committee's mandate with respect to regulation review.

As you know, most Ontario statutes include regulation-making powers. Regulations are generally made either by the Lieutenant-Governor in Council or by the minister responsible for a given statute. On average, we have about 500 regulations made per year in Ontario. While bills are debated in the House, regulations are not usually subject to public discussion. This is why a royal commission in the 1960s recommended that a standing committee be tasked with the scrutiny of regulations.

The committee's regulations mandate is currently set out in standing order 108(i) and is also described in section 33 of the Legislation Act, 2006. We've handed out copies of both those documents today. The standing order and Legislation Act provide that this committee is to review regulations made under Ontario statutes. In conducting this review, the committee is to consider "the scope and method of the exercise of delegated legislative power." This, in effect, means that the committee must look at the regulation, look at the statute that allows the regulation to be made and ensure that the regulation is

made in compliance with the guidelines set out in the standing order. As you can see, there are nine guidelines. These are based on legal principles that are well established in many common-law jurisdictions.

The two guidelines that have been raised most frequently by this committee in past reports are guidelines 2 and 3. Guideline 2 says that "regulations should be in strict accord with the statute conferring of power." This means that there should be explicit authority in the statute that allows the regulation to be made. Guideline 3 says that, "Regulations should be expressed in precise and unambiguous language." This means that a regulation must be clearly written.

It's important to note that the committee's mandate explicitly excludes consideration of the merits or objectives underlying a regulation. According to the royal commission mentioned earlier, the mandate is limited in this way because the regulation operates within the framework of an act, and the act and the policy underlying it have already been debated and decided by the Legislature. For this reason, the royal commission recommended that the policy of an act not be reopened for discussion.

The Legislation Act requires the committee to report from time to time its observations, opinions and recommendations. The practice in recent years in this committee has been for the committee to consider a report about once a year.

In terms of how the regulation review actually happens, the research officers conduct the first stage of the review on behalf of the committee. We read all the regulations published each year and flag possible violations of the guidelines in the standing orders. We then write to the legal branches of the ministries responsible for the regulations that we've flagged. When the ministries respond, we consider whether they have adequately addressed the concerns we've raised. We then prepare a draft report for the committee and include the discussion of those regulations where we continue to have concerns about possible violations of the guidelines.

When the committee meets to consider the draft report, it can decide whether or not to include the discussion of a given regulation, either with or without a recommendation. Once the committee has finalized its report, the final report is tabled in the House.

I'd also like to note, as Valerie mentioned, that from time to time bills other than private bills are referred to this committee. For those bills, my colleague research officer Erin Fowler of the research service is available to assist the committee. For example, we can assist with research questions or with a summary of recommendations.

Thank you.

The Chair (Ms. Indira Naidoo-Harris): Does that complete the briefings?

Ms. Tamara Hauerstock: Yes.

The Chair (Ms. Indira Naidoo-Harris): Okay. I now would like to say that the meeting is adjourned. Thank you, everyone.

The committee adjourned at 0915.

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Clerk / Greffière

Ms. Valerie Quioc Lim

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Ms. Tamara Hauerstock, research officer,
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Mercredi 5 novembre 2014

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Clerk: Valerie Quioc Lim

Présidente : Indira Naidoo-Harris
Greffière : Valerie Quioc Lim

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Wednesday 5 November 2014

Mercredi 5 novembre 2014

The committee met at 0905 in committee room 1.

The Vice-Chair (Mrs. Kathryn McGarry): Good morning, committee members. The Standing Committee on Regulations and Private Bills will now come to order. We have a total of five private bills to consider this morning, so we'll just get under way.

LORETTO LADIES' COLLEGES
AND SCHOOLS ACT, 2014

Consideration of the following bill:

Bill Pr1, An Act respecting The Loretto Ladies' Colleges and Schools.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Colle is sponsoring this bill. Would Mr. Colle and the applicant please come forward? It's one of our youngest applicants, I think. Would the applicant please introduce himself for the purposes of Hansard.

Mr. Russell Gibson: Good morning. My name is Russell Gibson, and I'm here on behalf of the Sisters of Loretto.

Do you want to introduce yourself? Speak into the mike.

The Vice-Chair (Mrs. Kathryn McGarry): Just tell me your name.

Mr. Jack Gibson: Hi, my name is Jack Gibson.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you for coming today.

Mr. Colle, do you have any comments to start?

Mr. Mike Colle: Yes. Good morning, members of the committee and Chair. I'm here in support of Bill Pr1, An Act respecting The Loretto Ladies' Colleges and Schools, a private bill. I totally support this bill.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, Mr. Colle. Does the applicant have some comments?

Mr. Russell Gibson: Just maybe some general comments, if it would be helpful. The Sisters of Loretto are a wonderful religious community of Catholic religious who have operated in Ontario for many, many years. They were established in 1857 by the statute that we're asking for an amendment to, and have operated for many years with this particular statute and carried on their charitable works as a registered charity. The sisters had one amendment to their corporation in 1898 to change the name slightly.

The activities of the Sisters of Loretto have always been carried on in the context of the international reli-

gious community to which they belong. Increasingly, as their numbers decline, they have sisters who come to Canada and they also have mission activities which occur abroad. We're essentially asking that in their statute—the powers of the corporation prescribed by the statute are very narrow. It refers to the sisters having property for their actual use and occupation. Essentially, without going into more detail regarding the materials we provided, the sisters would like to have expanded powers under their statute to bring it up to date, essentially. Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are there any other interested parties that want to speak to the bill?

Seeing none, are there any comments from the government? Ms. Vernile.

Ms. Daiene Vernile: When you say “expanded powers,” what exactly do you mean?

Mr. Russell Gibson: The statute says that the sisters can own property for their actual use and occupation. It's not entirely clear, for example—they have a residence just a few blocks from Queen's Park here. The sisters are not the individuals primarily occupying the building. It's used as a residence, essentially, for young women who are attending the University of Toronto, for instance. It's to clarify what is meant by those words relating to the actual use and occupation, and dealing with their lands lying and being situated within the city of Toronto.

It's just my personal professional view that when this statute was created in 1857, they probably contemplated a different reality than exists today, so these words are not as clear as they could be. The sisters want to make sure that they are operating entirely consistently within the four corners of their statutes.

0910

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Any further comments from government or from committee members? Seeing none, are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? All right. Thank you very much.

Thank you for coming, Mr. Gibson and Mr. Gibson.

Seeing that the sponsor is not here for our second item, Bill Pr3, An Act to revive Bensfort Wood Inc., we're going to just skip that for now and come back to it when the sponsor is here.

BRUNO'S ALIGNMENT LIMITED ACT, 2014

Consideration of the following bill:

Bill Pr4, An Act to revive Bruno's Alignment Limited.

The Vice-Chair (Mrs. Kathryn McGarry): We'll move on, committee members, to Bill Pr4, An Act to revive Bruno's Alignment Ltd. Would Madame Gélinas and the applicants please come forward?

Would the applicants please introduce themselves for the purposes of Hansard?

Mr. Brad Pagnutti: Brad Pagnutti.

Ms. Janie Pagnutti: I'm Janie Pagnutti.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Good morning.

Does the sponsor, Madame Gélinas, have any comments?

M^{me} France Gélinas: Absolutely. The applicant made the long road all the way down from Sudbury to be here with us today because they need to revive a corporation.

What happened is that they used to own Bruno's Alignment. After the passing of Mr. Pagnutti, they thought that they had sold the corporation of Bruno's Alignment; unfortunately, the buyer defaulted on their payment, so Bruno's Alignment came back to them. The minutes of the corporation were not kept by the other owners, so now they're stuck with this mess, trying to sell the corporation.

They have a buyer. They have approached the Legislative Assembly, and by passing this bill to revive Bruno's Alignment, they will finally be able to sell the corporations to a legitimate buyer.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Does the applicant have some comments?

Ms. Janie Pagnutti: I was just going to say that this has been a hardship for my family. As long as this has been prolonged, we've lost a lot of income through this, and I would urge that this be put through as quickly as possible to help me and my family get through this.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. I appreciate that, and I think we can all appreciate that.

Are there further comments? Are there any interested parties in the room who want to speak to the bill? Seeing none, are there any comments from government? Ms. Vernile.

Ms. Daiene Vernile: Janie, would you share with us what happened to the first buyer?

Ms. Janie Pagnutti: What happened was that they had come into the agreement with us, but then after about a year, they started defaulting on their payments, and then they just abandoned the business. In the process, the legal side, with the minutes and the lawyers and transfers

of everything, never got completed. So then our name was still on the books as being the owners.

The lawyer that actually was working for the purchasers at that time is no longer a lawyer; he was disbarred.

Ms. Daiene Vernile: What a mess.

Ms. Janie Pagnutti: It was a real mess. And then my husband passed away.

Ms. Daiene Vernile: I'm sorry to hear that.

Ms. Janie Pagnutti: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comment from government? Mrs. Mangat.

Mrs. Amrit Mangat: Janie, you said that the lawyer was disbarred, right?

Ms. Janie Pagnutti: Yes.

Mrs. Amrit Mangat: When the lawyer is disbarred, my understanding is that the law society transfers all the books to another lawyer. Did you approach the law society?

Ms. Janie Pagnutti: Yes, we did.

Mrs. Amrit Mangat: Okay. Then what happened? Can you share with us?

Ms. Janie Pagnutti: From what I understood—and my husband took care of that, so I'm only telling you what I know—we ended up paying to have that third party opinion. They came back and said that there was nothing that we could do.

Mrs. Amrit Mangat: Okay. Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comments from government?

M^{me} France Gélinas: Just to clarify Mrs. Mangat's question: It was the law society that recommended that we go the way of a private member's bill, which is what we're doing right now.

Mrs. Amrit Mangat: Thank you so much for sharing that. I was just curious. There is a regulatory body, right? If lawyers are disbarred or they don't do their job properly, they assign their office work to somebody else. I was just curious. I just wanted to know what happened afterward. Thank you for sharing with us.

Ms. Janie Pagnutti: We were hoping that would happen, but nothing came out of it.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are there any comments from committee members? Seeing none, are members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed. Great.

Thank you for coming. That will pass. Thank you for coming all that way.

ART GALLERY OF GUELPH ACT, 2014

Consideration of the following bill:

Bill Pr6, An Act respecting The Macdonald Stewart Community Art Centre.

The Vice-Chair (Mrs. Kathryn McGarry): We will move on to Bill Pr6, An Act respecting The Macdonald Stewart Community Art Centre. Mr. Arnott is sponsoring this bill. Would Mr. Arnott and the applicants please come forward? Would the applicants please introduce themselves for the purposes of Hansard?

Mr. Ted Arnott: Thank you, Chair. Good morning, members of the committee. We're very pleased to be here today to discuss private Bill Pr6, An Act respecting The Macdonald Stewart Community Art Centre.

I'm very pleased to be joined today by Nicola Melchers of SmithValeriot, a law firm in Guelph, as well as Dawn Owen, the acting director and curator of contemporary art at the Macdonald Stewart Community Art Centre.

I was approached a few months ago by SmithValeriot, actually, to see if I would be willing to introduce this private bill. I was very pleased and honoured to be approached, having had the opportunity to discuss the bill with representatives of the county of Wellington as well as with Liz Sandals, who is the member of provincial parliament for Guelph and currently the Minister of Education. I think Liz would have wanted to introduce the bill, but unfortunately, as a cabinet minister, she's precluded from doing so by the standing orders. Being the representative of Wellington-Halton Hills, the riding next door, I was very pleased to be able to help the applicant facilitate this important process.

I know that Ms. Melchers is going to give a brief overview of the bill. I think all of you will have the information in front of you, but just to put it in some context, I think it would be helpful.

0920

Ms. Melchers, if you could explain the purpose of the bill and why it's being brought forward, we'd appreciate that.

Ms. Nicola Melchers: The Macdonald Stewart Community Art Centre was initially incorporated on November 30, 1978. Probably about a year or 18 months ago, the county of Wellington decided that it wanted to remove itself as one of the organization's sponsoring bodies. That necessitated a look at the legislation, the act that it was incorporated under, and we realized that there was no mechanism by which a sponsoring body could remove itself or indeed to add new sponsoring bodies to the organization, so we looked at the possibility of amending the bill. With assistance from Ms. Klein, it was decided instead to apply for a new act.

The purposes of this act are to remove the county of Wellington as a sponsoring body, to change the name of the Macdonald Stewart Community Art Centre to the Art Gallery of Guelph and also to provide flexibility for the organization in the future to add and remove sponsoring bodies and to make bylaws reflecting its day-to-day management and operations.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Any further comments?

Seeing none, are there any interested parties in the room who want to speak to this bill?

Seeing none, are there any comments from the government?

Seeing none, are there any comments from committee members?

Seeing none, are there any questions from anybody else?

Are members ready to vote?

Since there are no amendments, is it the will of the committee to vote on sections 1 through 21 as one? Is that okay? All right.

Shall sections 1 through 21 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you, and thank you for coming.

Mr. Ted Arnott: Thank you, Chair, and thanks to the committee members as well.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, Mr. Arnott.

1807041 ONTARIO INC. ACT, 2014

Consideration of the following bill:

Bill Pr9, An Act to revive 1807041 Ontario Inc.

The Vice-Chair (Mrs. Kathryn McGarry): We will move forward with Bill Pr9, An Act to revive 1807041 Ontario Inc. Mr. Bailey will present the bill, and would the applicants please come forward along with Mr. Bailey?

Would the applicant please introduce himself for the purposes of Hansard?

Mr. Mark Brown: Mark Brown.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

Mr. Bailey, do you have any comments?

Mr. Robert Bailey: I just want to introduce this bill on behalf of Mr. Vic Fedeli, MPP for North Bay. Mr. Brown is here representing the corporation, and he is going to explain the background of why they're making this request for 1807041 Ontario Inc. this morning.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Brown, I understand you have some comments.

Mr. Mark Brown: Just to give you the background and the history of this, first of all, Mr. Amyotte, who is the sole shareholder, was unable to attend today, and he apologizes for that.

This corporation was formed in September 2009 for the sole purpose of Mr. Amyotte receiving dividends from his employer. These dividends were going to be held in the corporation, and then he was going to draw them out of the corporation upon his retirement and then take them out of his corporation as a dividend.

Mr. Amyotte came to me approximately two years ago and asked me to prepare all the tax returns, financial statements and so forth that were related to the corporation. He was totally unaware of what his responsibilities were in doing that, so that was taken care of. I presented Mr. Amyotte with his bill.

A short time later he came into my office and indicated he didn't want to maintain the corporation and have to incur those types of costs. He asked if I would proceed and dissolve the corporation. I had a brief discussion with him as to what the implications would be. He seemed to understand at that time what they were. There is definitely a minor language barrier. Mr. Amyotte has a very strong French background and communication can sometimes be difficult. However, I proceeded and the corporation was dissolved in September 2013.

Approximately two to three months later, Mr. Amyotte came back into my office. I assume he had met with his employer and their accountant and advised me that he had made an error in dissolving the corporation, that he wanted to revive it in order to continue to receive his dividends from his employer.

The Vice-Chair (Mrs. Kathryn McGarry): Are there any comments from interested parties in the room? Seeing none, are there any comments from government? Ms. Vernile.

Ms. Daiene Vernile: By reviving the corporation, does anyone stand to be injured by this?

Mr. Mark Brown: No, nobody whatsoever.

Ms. Daiene Vernile: Okay.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comments from government? Seeing none, any comments from the committee members? Are members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you, Mr. Brown, for coming.

BENSFORT WOOD INC. ACT, 2014

Consideration of the following bill:

Bill Pr3, An Act to revive Bensfort Wood Inc.

The Vice-Chair (Mrs. Kathryn McGarry): Now we will move back to Bill Pr3, and Mr. Bailey will be stepping in to sponsor. Mr. Bailey is there. Would the applicant please come forward and introduce himself for the purposes of Hansard?

Mr. John McGarrity: My name is John McGarrity. I'm the lawyer for the applicant, John Campbell.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

Mr. Robert Bailey: I'm representing Ms. Scott this morning, who has been unavoidably detained, who was originally here to sponsor this bill on behalf of Bensfort Wood, and of course, Mr. McGarrity is representing them. It's my pleasure to introduce him today and to sponsor this bill and let the committee do its work.

The Vice-Chair (Mrs. Kathryn McGarry): Does the applicant have some comments?

Mr. John McGarrity: Yes. I'll just give you some background. Bensfort Wood Inc. was incorporated on March 3, 1981, and ultimately dissolved on February 11, 1991, for failure to comply with the Corporations Tax Act. The business was created for the purpose of manufacturing and selling lumber and so on. It acquired a parcel of land in South Monaghan, which is in the county of Peterborough, and the business just didn't take off. It largely just sat inactive, so the owners and shareholders discontinued filing tax returns, in large part because there was no activity. Ultimately, as indicated, the corporation was dissolved.

Now we are 30 years or so later and the land that it acquired back in 1981, which was part of the overall operation, sat vacant all these years, and at this stage the plan was to sell the land. On meeting with my clients and reviewing the situation, I indicated to them that the land, because of the dissolution, is now escheated to the crown. So here we are to try to rectify the situation.

The Campbells, on behalf of Bensfort Wood, have filed all necessary tax returns. There were some small amount of taxes that were due; they have all been paid. I believe the Minister of Finance has consented to the revival of the corporation. So, subject to any comments—

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, Mr. McGarrity. Are there any interested parties in the room who want to speak to the bill? Seeing none, are there any comments from the government side? Ms. Vernile.

Ms. Daiene Vernile: I didn't hear a certain word you said. You said the land has "blank" to the crown. What was the word?

Mr. John McGarrity: Escheated.

Ms. Daiene Vernile: Okay.

Mr. John McGarrity: E-S-C-H-E-A-T-E-D. Basically, if a corporation loses its charter and is dissolved, any property that it owns vests with the crown. So when we went to sell the property—it's almost a routine search if you're buying land from a corporation that you would check to see that it's still active. You know if it's been dissolved that any property it has is now vested. The idea would be to revive, and then the property would vest back with the company that can carry on with its potential sale.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are there any further comments? Ms. Mangat.

Mrs. Amrit Mangat: I'm just curious. By whom was it escheated? Who escheated the land?

Mr. John McGarrity: As a result of a failure to file tax returns, the government cancelled its charter. It's a punishment, so to speak, for not complying in terms of filing tax returns. My client, because it wasn't conducting any business and there was no activity—frankly, to get into all of the background, the corporation had a registered address and my clients had moved, so notices were going out but they weren't aware. They're not receiving the notices, so they're not dealing with them. All this time goes by and they think that because they're not

generating any business activity, they don't necessarily have to file tax returns. That's sort of the background to how that unfolded.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Ms. Vernile.

Ms. Daiene Vernile: And by reviving this company, are they going to pay their back taxes?

Mr. John McGarrity: They are paid.

Ms. Daiene Vernile: Okay.

Mr. John McGarrity: I believe that was a condition to getting here today.

Ms. Daiene Vernile: Okay.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Kwinter.

Mr. Monte Kwinter: I had the same question. Under 7(b)—this is from the Ministry of Government Services and the corporations tax branch—"There are no objections to this bill other than the Ministry of Finance is seeking that all outstanding tax returns be filed and any taxes, interest and penalties be paid."

Mr. John McGarrity: Yes, and that has been done. That's been done. I actually retained, on behalf of my client, a chartered accountant months and months ago

and literally filed 22 years of tax returns. There was a very small sum of money owing and it has been paid.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Mangat.

Mrs. Amrit Mangat: It has already been paid?

Mr. John McGarrity: It has been paid, yes.

Mrs. Amrit Mangat: It has been paid. Okay.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions from the government side? Seeing none, are there any comments from the committee members? Seeing none, are members ready to vote? All right.

For Bill Pr3, An Act to revive Bensfort Wood Inc., shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Good. Thank you very much, Mr. McGarrity, for coming.

Having no further business here at the regulations and private bills committee, this meeting stands adjourned.

The committee adjourned at 0934.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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Journal des débats (Hansard)

Mercredi 19 novembre 2014

Standing Committee on
Regulations and Private Bills

Comité permanent des
règlements et des projets
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 19 November 2014

Mercredi 19 novembre 2014

The committee met at 0903 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everybody. I hope you're all having a great morning. The Standing Committee on Regulations and Private Bills will now come to order.

We have a total of three private bills to consider this morning, so we have a bit of work. Let's get started, okay?

1474486 ONTARIO LIMITED ACT, 2014

Consideration of the following bill:

Bill Pr2, An Act to revive 1474486 Ontario Limited.

The Chair (Ms. Indira Naidoo-Harris): Item 1 is Bill Pr2, An Act to revive 1474486 Ontario Limited. Ms. Sattler is sponsoring this bill. Would Ms. Sattler and the applicant please come forward. Thank you. Would the applicant please introduce himself for the purposes of Hansard.

Mr. Gordon Banting: My name is Gordon Banting. I'm a solicitor practising in London, Ontario, and I represent the applicant.

The Chair (Ms. Indira Naidoo-Harris): Ms. Sattler, please go ahead. Do you have any comments?

Ms. Peggy Sattler: None, other than that this has been a good learning experience for both myself and the applicant. So we're looking forward to the process today.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Mr. Gordon Banting: None, unless there are questions.

The Chair (Ms. Indira Naidoo-Harris): I don't think there are any interested parties who want to speak to the bill. I don't see anybody here. Government, do you have any comments? Any comments from government?

Mrs. Kathryn McGarry: Yes. Thank you very much. Your applicant—

The Chair (Ms. Indira Naidoo-Harris): Recognizing Kathryn McGarry.

Mrs. Kathryn McGarry: Sorry. Won Jung Cho is your applicant?

Mr. Gordon Banting: Yes.

Mrs. Kathryn McGarry: I note that the corporation was dissolved on May 2, 2013. What was the circumstance leading up to that?

Mr. Gordon Banting: My client didn't consult me at the time of winding up his company. He felt the company

was no longer necessary, as it wasn't doing active business at the time. But the company retained, actually, a claim in law that the company was entitled to make, and he didn't address his mind to the fact that he couldn't pursue that claim personally. So he didn't feel that he needed the company, didn't need to continue filing tax returns and continue the expenses of maintaining a company.

Mrs. Kathryn McGarry: Did circumstances change, then, that he wants it to—

Mr. Gordon Banting: Yes. He consulted my firm and said, "Do I have a valid claim?" under some contracts that he had signed. It was our view that he had a potentially valid claim against a third party, but he couldn't pursue it unless the company was alive.

Mrs. Kathryn McGarry: Oh, I see. So it's the company itself that is going to be making those claims.

Mr. Gordon Banting: Yes.

Mrs. Kathryn McGarry: Okay. Then, should this pass today, which I would suspect it will, he'll be able to go and complete—

Mr. Gordon Banting: Yes, and allow a court to decide whether the claim is valid or not.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): I understand Mrs. Mangat may have a comment.

Mrs. Amrit Mangat: Thank you, Chair.

Thank you for throwing light that it is a change of circumstances. But Mr. Cho wasn't aware of that change in circumstance, about those cases, at that time when he dissolved the—

Mr. Gordon Banting: That's correct. He didn't address his mind to the fact that the claim was a corporate claim. He thought he could just pursue it himself personally.

Mrs. Amrit Mangat: How long after he dissolved the company did he come to know about this claim?

Mr. Gordon Banting: He consulted me in August 2013, so it was not a long time.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Are there any other comments from government? Okay. Let's move to committee members. Are there any questions from committee members?

Mr. Mike Colle: —move approval.

The Chair (Ms. Indira Naidoo-Harris): Okay, great. Are members ready to vote, then?

All right. We're looking at Bill Pr2, An Act to revive 1474486 Ontario Limited. So let's vote here.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Thank you. Yes, affirmative.

Okay, great. Thank you very much for coming in.

Mr. Gordon Banting: Thank you very much.

469118 ONTARIO LIMITED ACT, 2014

Consideration of the following bill:

Bill Pr11, An Act to revive 469118 Ontario Limited.

The Chair (Ms. Indira Naidoo-Harris): We're now going to move on to our next item. Our next item up is Bill Pr11, An Act to revive 469118 Ontario Limited. Mr. Colle is presenting the bill on behalf—oh, I'm sorry. Mr. Colle and the applicant, please come forward. Would the applicant please introduce himself for the purposes of Hansard.

Mr. Vincent Muia: Good morning. My name is Vincent Muia. I am the applicant and the owner of 469118 Ontario Limited.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Mr. Vincent Muia: Yes. It's necessary for me to revive the corporation in order that I can deal with certain real property that was held by the corporation at the time that it was dissolved.

The Chair (Ms. Indira Naidoo-Harris): Mr. Colle, do you have any comments?

Mr. Mike Colle: No comments.

The Chair (Ms. Indira Naidoo-Harris): I don't believe there are any interested parties in the room. Are there any comments from government? Yes, Daiene Vernile.

Ms. Daiene Vernile: Looking at this, it says that the business was dissolved for failure to comply with the Corporations Tax Act.

Mr. Vincent Muia: That's correct.

Ms. Daiene Vernile: Can you elaborate?

Mr. Vincent Muia: Tax returns were never filed for the corporation because the taxable income was reported by the parent company. So technically, the tax returns should have been filed but never were, so what we did is, we filed them all at once in the last six months.

Ms. Daiene Vernile: What was the nature of this business?

Mr. Vincent Muia: It held a piece of property and collected rent. It was reported by the parent company; that was the way. But technically, the tax returns, even though there was a nil taxable income on the corporation, should have been filed.

Ms. Daiene Vernile: What's been the status of this business, this property, since 1985?

Mr. Vincent Muia: Very active. It's an active business. It's a property that's in downtown Toronto, that rents and pays taxes and collects. That's why I'm doing it, because I have to deal with it—do some estate planning on it.

The Chair (Ms. Indira Naidoo-Harris): Are there any other comments from government? Okay, let's move on, then, to questions from the committee members. Any questions from committee members? All right. I guess members are ready to vote then. Are we? Let's move ahead to voting.

We are now looking at Bill Pr11, An Act to revive 469118 Ontario Ltd. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

658055 ONTARIO INC. ACT, 2014

Consideration of the following bill:

Bill Pr12, An Act to revive 658055 Ontario Inc.

The Chair (Ms. Indira Naidoo-Harris): I understand it's the same applicants. Please stay there.

Mr. Vincent Muia: Yes, same situation. I do things in twos. Actually, three—I did one last year.

The Chair (Ms. Indira Naidoo-Harris): We're looking at Bill Pr12, An Act to revive 658055 Ontario Inc. Once again, Mr. Colle and the applicant are here. Mr. Colle, do you have any comments?

Mr. Mike Colle: No comments.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Mr. Vincent Muia: Again, I'm Vincent Muia, the applicant and owner of the corporation, and I seek to revive it.

The Chair (Ms. Indira Naidoo-Harris): Are there any comments from government? No. Any questions from committee members? All right. Are members ready to vote? I think we are.

Bill Pr12, An Act to revive 658055 Ontario Inc.: Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

I think that's all the business we have today. Since there is no other business, I move that we adjourn. We will adjourn the meeting. Thank you.

The committee adjourned at 0914.

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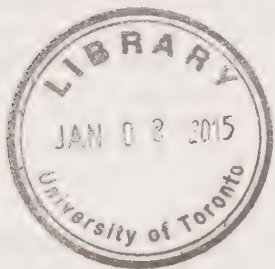
Mercredi 3 décembre 2014

Standing Committee on Regulations and Private Bills

Draft report on regulations

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
sur les règlements



Chair: Indira Naidoo-Harris
Clerk: Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

COMITÉ PERMANENT DES RÈGLEMENTS ET DES PROJETS DE LOI D'INTÉRÊT PRIVÉ

Wednesday 3 December 2014

Mercredi 3 décembre 2014

The committee met at 0902 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. I hope you're ready for a good morning.

First on our agenda today is a briefing on the regulations by Mark Spakowski, the chief legislative counsel. We look forward to your briefing.

Mr. Mark Spakowski: I am, as introduced, the chief legislative counsel, and I'm the head of the Office of Legislative Counsel. Among the other duties we have, we draft regulations, we translate them, we receive them for filing and we arrange for their publication. That's our role with respect to regulations.

I'll be following roughly the outline that has been distributed. That was prepared by Joanne Gottheil from our office. She's the registrar of regulations, and I'll speak a bit more about that a little later.

First, I want to speak a bit about what a regulation is. Regulations are law, but they're made by someone other than the Legislature. They're made under the authority of an act. The Legislature enacts an act, but in doing so, sometimes they give someone else the authority to make regulations. So the authority to make regulations is delegated from the Legislature, and that's why regulations are sometimes referred to as "delegated legislation."

The act that gives authority to make regulations also specifies who can make it. In Ontario, generally, the maker of regulations is the Lieutenant Governor in Council or a minister, or some other body with the approval of one of those people.

The act that authorizes the making of regulations also sets out the scope of what the regulation can be about. As well, the common law has a number of rules and principles that help to interpret or limit a regulation-making authority.

I want to explain a little bit about the difference between making a regulation and filing it. A regulation is made when it is signed or approved by whoever has the legal authority to make the regulation. Filing is a further step that's legally necessary in order for a regulation to become law. In practice, filing is with the Registrar of Regulations, and the way that happens is that it's physic-

ally brought into our office for filing. That legal requirement and some of the others that I'm going to speak about are under the Legislation Act, 2006.

The Registrar of Regulations is the official who generally oversees the filing process for regulations. He or she performs other duties as well. The registrar is a lawyer within our office who is appointed by the Lieutenant Governor in Council. The current registrar is Joanne Gottheil.

After regulations are filed, they are law, and then there are legal obligations to publish the regulations. There are two ways that regulations are published. They are published on the e-Laws website, and legally that has to be done promptly. Typically it's done within two business days. Regulations are also published in the Gazette. The legal obligation there is to publish within one month. Usually that's on the third Saturday after the regulation is filed. Both of those forms of publication are official for legal purposes.

Statutes sometimes clarify that something is not a regulation for the purposes of the Legislation Act. That's done sometimes to clarify doubtful cases about whether an instrument is or is not a regulation. Sometimes it's just done to ensure that a particular instrument is not treated as a regulation.

If a statute excludes an instrument as a regulation, then it doesn't go through this process. It's not filed with our office. It's not published in the Gazette—or at least not in the Gazette as a regulation.

The practical matter of actually drafting regulations: Regulations are drafted by legislative counsel in our office on the instructions of ministry lawyers who have carriage of that matter. So we're the ones who draft it, but the ministries are responsible for its content and what it does. Ultimately, we act on their instructions.

The handout describes a few different kinds of regulations: parent regulations, amending regulations and revoking regulations. Whatever kind of regulation is filed, it is incorporated into the consolidated regulations. Those are the regulations as they read with all the amendments incorporated into them. Those are also on the e-Laws website. That incorporation into the consolidated regulations is generally done quite quickly, usually within a couple of days after a regulation is filed.

Just a little bit about numbers: Ontario has a little over 1,800 consolidated regulations on the e-Laws website.

That number goes up and down as new regulations are made or regulations are revoked. The number of regulations filed each year also varies by year. Over the past five years, the average has been something like 450 regulations per year. This year it's a little less than 300 to date, anyway.

Also, some regulations are bilingual but not all. A little less than half of Ontario's regulations are bilingual.

Mrs. Laura Albanese: Can we ask why that is?

Mr. Mark Spakowski: There is no legal obligation for all regulations to be bilingual. There is a requirement in the French Language Services Act that provides for the Attorney General to "cause to be translated into French such regulations as the Attorney General considers appropriate."

This number of regulations that are bilingual has been increasing over the years. Around 1990, which was when the statutes became bilingual, the number of regulations that were bilingual was probably close to 0%. Over that period, we're up to close to half. So it's a process that's continuing.

0910

Mrs. Amrit Mangat: How many times in a year are regulations filed? Once, twice, three times?

Mr. Mark Spakowski: Each regulation, which is either an amendment to an existing regulation or a new regulation or a revoking regulation—a regulation is filed only once.

Mrs. Amrit Mangat: Once a year?

Mr. Mark Spakowski: Well, each—

Mrs. Laura Albanese: As soon as they make it, within two days, you said, right?

Mr. Mark Spakowski: Well, on average, over the past five years, there are about 450 regulations filed per year; so 450 on average over the past five years. Each regulation requires filing just once, and then it's finished. But I'm not sure I'm completely understanding your question.

The Chair (Ms. Indira Naidoo-Harris): I'd like to recognize MPP Albanese. Do you have another question?

Mrs. Laura Albanese: No, I think it's MPP Mangat that is—

Mrs. Amrit Mangat: No, I read somewhere—let me be very frank. It was written in that article that regulations are filed once a year. That's what I'm asking. Do we make regulations every month and then file them together at the end of the year, or—how does this work?

Mr. Mark Spakowski: They are filed throughout the year.

Mrs. Amrit Mangat: Throughout the year. Okay.

Mr. Mark Spakowski: So on any given day, there can be—for instance, on Monday, I believe there were seven regulations filed. I don't believe there were any filed yesterday.

Mrs. Amrit Mangat: Okay. They don't have to be bundled. That's what I mean.

Mr. Mark Spakowski: No.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions of Mark Spakowski?

Mrs. Amrit Mangat: Okay, I have another one.

The Chair (Ms. Indira Naidoo-Harris): MPP Mangat, go ahead.

Mrs. Amrit Mangat: As it's written here, currently Ontario has over 1,800 consolidated parent regulations. Is this since 1857 or Confederation or when?

Mr. Mark Spakowski: It's all that we have in force now, with very technical exception. But it's essentially all the regulations in force in Ontario. But there was a revision of regulations in 1990, and there were some regulations of very limited application that were left unconsolidated. A number of those have since been revoked, so there would be very few that were not part of that 1,800 figure.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you very much, Mark. Thank you for that.

I think it's time to move on to consider the draft report before us on regulations made in 2013. Research officer Tamara Hauerstock will introduce the draft report. I understand that we will go through it issue by issue. Just so that all of you here are aware, we'll pause after each issue and I'll look for further discussion of the issue and recommendations, okay? Just so you know how we're going to proceed.

Go ahead, Tamara.

Ms. Tamara Hauerstock: Good morning. As introduced, I'm Tamara Hauerstock, counsel to the committee. I wanted to begin this morning with a quick review of the committee's regulations mandate and then take you through, quickly, the regulations review process.

The mandate is set out in section 33 of the Legislation Act, 2006, and also in standing order 108(i). The act and the standing orders provide that the committee is to examine the regulations made each year under Ontario statutes. In conducting this review, the committee is to ensure that regulations were made in accordance with the nine guidelines set out in the standing orders.

As I mentioned last time I appeared here, over the years the two guidelines that have been most frequently cited in committee reports are guidelines 2 and 3. The effect of guideline 2 is that there should be clear authority in the enabling statute to make a regulation. Guideline 3 provides that regulations should be expressed in clear and precise language.

The committee's mandate specifically excludes any consideration by the committee of the merits of the policy or the objectives of a particular regulation. In other words, the committee is to consider only the legal principles that are set out in the committee's guidelines. As a result, the discussion in the report in front of you concerns issues that are quite technical and legalistic.

We've had the benefit this morning of a briefing on regulations and how they are made, so I wanted to go straight into the process for the review of regulations. We've prepared a visualization of the regulations review process for you. That's the colourful document that I

think you have in front of you. It's also included in the report as appendix C.

Just to take you quickly through that: Once the regulations are made, the lawyers/research officers at the legislative research service read the published regulations to assess compliance with the nine guidelines set out in the standing orders; you'll see that in step 1 of the visualization.

We flag potential violations of the guidelines and write letters to the ministry legal branches responsible for the regulations in question; that's step 2.

We then consider the ministry responses, step 3. In some cases, the ministry will agree with the issue we have raised, and we would include that in our report; in other cases, they disagree with us. Sometimes their response would satisfy us that there is no guideline violation, and in other cases it does not satisfy us. In the latter situation, we would include that regulation in the draft report.

Once the draft report has been prepared, it comes before the committee. That's where we are today. Once the committee reviews the draft report and finalizes it, it tables the report, and copies of it are sent to the ministries affected.

I would now like to take you through the draft report. Beginning on page 1, we have our standard introduction, explaining the role of the committee and what the report covers. Next is a section on statistics for the years 1994 to 2013, and that sets out basic statistics on regulations filed in that period. You'll see that over the 20-year period noted, the average number of regulations filed each year was 553.

Page 3 and the top of page 4 then set out some statistics on new, revoking and amending regulations over the past 10 years.

I'll just stop here to see if there are any questions about this section of the report.

The Chair (Ms. Indira Naidoo-Harris): Are there any questions?

Ms. Tamara Hauerstock: Then we can move on to the substance of the report, which begins about a third of the way down on page 4. This section discusses regulations we have identified as possible violations of the committee guidelines.

As noted in the opening paragraph, we reviewed the 368 regulations made in 2013, and we wrote letters to nine ministries raising questions about 13 regulations. After considering the responses from the ministries, we have decided to report on five regulations under guideline 2, which requires clear authority for making a regulation.

Under the heading of Ministry of Education, we have a regulation made under the Education Act. When we reviewed it, we noticed that it had been made by the minister. The authority to make this type of regulation, however, was granted under the act to the Lieutenant Governor in Council.

When we raised this with the ministry, they acknowledged that it had been made by the minister through an

oversight. They noted, though, that even though it had been made by the minister, the Lieutenant Governor in Council ultimately approved it after the minister made it.

Our view, however, is that the Education Act says that the regulation has to be made by the Lieutenant Governor in Council, not approved by it. Our proposed recommendation, therefore, is that the ministry remake the regulation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Tamara. I think we're just going to take a pause there. Is there any discussion regarding this issue and the recommendation?

Mrs. Laura Albanese: What was—

The Chair (Ms. Indira Naidoo-Harris): I'm going to recognize Daiene Vernile, MPP.

Ms. Daiene Vernile: Thanks, Chair. May we ask for a representative from the ministry to come here and to detail some more information for us? If we're going to make an informed decision, I personally would like to know more information about this. Can we do that?

The Chair (Ms. Indira Naidoo-Harris): Yes, I understand we can do that. Should that recommendation carry? Is there further discussion of that recommendation?

Interjections.

The Chair (Ms. Indira Naidoo-Harris): Sorry; we will invite the ministry to come and give us further information.

Mrs. Laura Albanese: Pardon me, Chair.

The Chair (Ms. Indira Naidoo-Harris): MPP Albanese.

Mrs. Laura Albanese: I had a question. When was this regulation made?

Ms. Tamara Hauerstock: It's a 2013 regulation. I can give you the date; just one second.

Mrs. Laura Albanese: Well, this year, in any case.

Ms. Tamara Hauerstock: Last year.

Mrs. Laura Albanese: Last year; sorry.

Ms. Tamara Hauerstock: It was filed October 28, 2013.

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The Chair (Ms. Indira Naidoo-Harris): Further discussion of this issue? MPP Albanese.

Mrs. Laura Albanese: I concur with my colleague. I think it would be good to hear from the ministry so that we can hear an explanation and, at the same time, see what happened, why it was done this way.

The Chair (Ms. Indira Naidoo-Harris): Okay. I'll confirm with the committee that that's what we will do. We'll bring in a ministry representative at a later date that's convenient for us to discuss more of the details regarding this issue.

I'm going to ask our research officer to continue with the next one.

Ms. Tamara Hauerstock: The next regulation is under the heading of the Ministry of Government and Consumer Services. In this case, the Land Titles Act provides that an application for an inhibiting order must be made "in the prescribed manner." The regulation does

not prescribe the manner of making the application. It says that an application for an inhibiting order “shall be in the form that the Director of Titles or the land registrar, as the case may be, requires.”

We asked the ministry about this. The ministry responded that in its view, the application did not need to be prescribed in a regulation in this case, because the application is administrative in nature.

The Land Titles Act actually has an unproclaimed section which, if proclaimed, would repeal the requirement that we raised to make the application “in the prescribed manner.” The unproclaimed section would instead require the application to be made in the manner required by the director.

In our view, this unproclaimed provision will, once proclaimed, more clearly authorize the director to make forms outside of a regulation and, in that manner, would address our concern. So in this case, we have reported the regulation here, but we have not proposed that the committee make a recommendation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Tamara.

I’m just going to ask the committee if you want to discuss this further. There is no recommendation on the table. Yes, MPP French?

Ms. Jennifer K. French: Just for clarification, what’s involved in going from unproclaimed to proclaimed, for that to happen and therefore negate your concerns?

Ms. Tamara Hauerstock: It’s the Lieutenant Governor in Council who would proclaim an unproclaimed provision of a statute, so that would be left—

Ms. Jennifer K. French: So that’s an inevitability, that section?

Ms. Tamara Hauerstock: It’s not inevitable, because there are some provisions that, for whatever reason, never wind up being proclaimed. Usually, at some point, they are proclaimed, but I couldn’t say that it’s inevitable.

Ms. Jennifer K. French: So the concern about the not-specified prescribed form isn’t enough to—you’re anticipating, then, that it will be proclaimed?

Ms. Tamara Hauerstock: Yes, without knowing 100%, I would anticipate that at some point it would be.

Ms. Jennifer K. French: So it will kind of look after itself?

Ms. Tamara Hauerstock: Yes, and because it’s a bit of a grey area, we didn’t include an actual recommendation in this case.

Ms. Jennifer K. French: In that case, would this be flagged to check in on it later and make sure that it was indeed proclaimed?

Ms. Tamara Hauerstock: That’s certainly something we could do, yes.

The Chair (Ms. Indira Naidoo-Harris): Any other discussion on this particular issue?

We are going to proceed then. MPP French was just suggesting that we take a look at this at a later date. Let’s carry on.

Ms. Tamara Hauerstock: Okay. The next ministry is the Ministry of Health, and we’re reporting on two regulations under the ministry. Both have to do with notice issues.

The first is a regulation made under the Local Health System Integration Act, 2006. That act requires that the ministry give notice of a proposed regulation in the Ontario Gazette and by other means that the minister considers appropriate.

When we reviewed this regulation, we could not find a record of notice having been given in the Gazette. When we raised this with the ministry, it acknowledged that notice had not been published in the Gazette but said that notice was given through other means, through the Ontario Regulatory Registry and the ministry’s website and that comments were received and considered by the ministry.

The ministry said that it would be following up on procedures to ensure that the required notice is published in the future. Given the ministry’s commitment, we are not proposing a recommendation with respect to this regulation.

The Chair (Ms. Indira Naidoo-Harris): I’m going to open it up for discussion. Does anybody want to discuss this particular issue with the Ministry of Health?

There is no recommendation on this, so we’re going to move forward.

Ms. Tamara Hauerstock: The next regulation was made under the Personal Health Information Protection Act, 2004. In general, under this act, public consultation is required before a regulation is made. In certain circumstances, the minister may decide that the public consultation process should not apply. When the minister makes that decision, the requirement is that he or she must notify the public, as well as the Information and Privacy Commissioner, as soon as is reasonably possible.

In this case, the regulation was made on November 27 and filed on December 23, 2013. Notice of the decision not to consult was published in the Ontario Gazette on December 21, 2013. When we asked whether the requirement to give notice of the decision not to consult had been given as soon as is reasonably possible, the ministry responded that notice was given on December 12, and that considering the approvals processes within the ministry, it fell within the scope of the phrase “as soon as is reasonably possible.”

We don’t agree with this interpretation. Since the decision not to consult has to be made before a regulation is made, we would expect that notice of this would normally also be given before making the regulation.

Again, we did not make a recommendation here, but point out that procedural requirements should be scrupulously observed.

The Chair (Ms. Indira Naidoo-Harris): Is there further discussion of this particular issue with the Ministry of Health? MPP French.

Ms. Jennifer K. French: December 21 and December 12—I just want to confirm that those numbers are correct.

Ms. Tamara Hauerstock: Yes.

Ms. Jennifer K. French: Okay, fine.

Mr. Robert Bailey: I have a question.

The Chair (Ms. Indira Naidoo-Harris): MPP Bailey.

Mr. Robert Bailey: What was the issue at the time? I was interested: Was it a specific issue, like to do with a certain health care—

Ms. Tamara Hauerstock: The substance of the regulation?

Mr. Robert Bailey: Yes. That's kind of what I was interested in. Was it an emergency, something to do with, you know, Ebola virus or something that time was of the essence, or was it just sloppy?

Ms. Tamara Hauerstock: The regulation itself is a very brief one that amended a date within the larger parent regulation—which I unfortunately don't have with me—and substituted a new date.

Mr. Robert Bailey: Oh, okay.

Ms. Tamara Hauerstock: In our correspondence with the ministry, they didn't raise the issue of time—urgency. That was not raised.

Mr. Robert Bailey: Okay.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson.

Ms. Lisa M. Thompson: Thank you very much, Chair. I'm just wondering: You mentioned that you're not making a specific recommendation, but the way it reads, you've outed this ministry for not following protocol. Would it be this committee's responsibility to come up with ramifications for not following protocol? Like, they'll just slough this off. How do we stand up and say, "Don't do this again, or else"?

Ms. Tamara Hauerstock: The committee's authority with respect to regulations is limited to making recommendations. So, it's open to the committee to make a recommendation.

Ms. Lisa M. Thompson: So, in essence, this is a flag.

The Chair (Ms. Indira Naidoo-Harris): Any further discussion? There's no recommendation here. Shall we continue?

Ms. Tamara Hauerstock: The next regulation is under the Ministry of Transportation. The Legislation Act, 2006, allows regulations to incorporate an existing document by reference. Incorporation by reference is found when a regulation states that it includes material that is found elsewhere outside of the regulation.

When the document that is incorporated by reference is not itself a piece of legislation, the Legislation Act requires that the reference should be to the document as it read when the regulation was made, and not to later versions. This is known as static incorporation. This requirement applies unless the governing act expresses or implies a contrary intention.

The regulation under consideration here deals with standards for school buses, and it incorporates a document by reference and also incorporates subsequent versions of it. This is known as rolling incorporation.

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We expressed our concern to the ministry that the rolling incorporation did not comply with the Legislation Act, 2006. The ministry responded that in its view, given that there's authority to make regulations prescribing requirements for school buses and standards and specifications for equipment, which is the subject of the regulation we're looking at, it is likely that the Legislature intended to permit rolling incorporation in this case. In our view, the intention to permit rolling incorporation would be clearly stated in the act.

So the proposed recommendation here is that the ministry take steps to amend the regulation to comply with the requirements of the Legislation Act.

The Chair (Ms. Indira Naidoo-Harris): Thank you. So, regarding the issue on the Ministry of Transportation, is there further discussion of this issue or this recommendation? MPP Albanese.

Mrs. Laura Albanese: Could you please elaborate on these rolling incorporations a little bit?

Ms. Tamara Hauerstock: Sure. It's a drafting technique whereby a regulation says that, for example, as in this case, the standards that apply to school buses are the standards that have been developed by an outside body, which I think in this case is the Canadian Standards Association.

That's a body that's independent and develops standards on various things. The regulation, instead of copying that entire text into the body of the regulation, simply states that that document applies. So it's incorporated into the document, but by referring to it. It's an incorporation by reference.

Mrs. Laura Albanese: Oh, I see. Okay. That's why it's called rolling.

Ms. Tamara Hauerstock: Static incorporation is where the document that's incorporated is simply the document as it stood on the day that the regulation was made. When it's a situation of rolling incorporation, any later changes to that outside document that are made are also brought into the regulation.

Mrs. Laura Albanese: Right. Would it be possible to invite someone from the ministry to talk about this to the committee?

The Chair (Ms. Indira Naidoo-Harris): Yes, we can. I understand we can, so we will ask for further information regarding this.

Does the committee agree with that recommendation to get further information about this particular issue? Okay, thank you. Carried.

Mrs. Laura Albanese: Thank you.

The Chair (Ms. Indira Naidoo-Harris): All right. I'm going to ask researcher Tamara Hauerstock to continue.

Ms. Tamara Hauerstock: Okay. So those are the regulations reported for 2013. The next section of the report, starting at page 9, is simply a reflection of what was reported in our last report. It's an update on responses received to that report. To date, there don't appear to have been any amendments made in response to the recommendations made.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson?

Ms. Lisa M. Thompson: Thank you, Chair. In terms of performance measures this is unacceptable, totally unacceptable. So, collectively, what do we do?

Mrs. Laura Albanese: Chair, I guess I had a similar question. What happens when the committee makes recommendations and there has been no action on them?

The Chair (Ms. Indira Naidoo-Harris): I guess the committee can follow up on some of these.

Mrs. Laura Albanese: What tools does the committee have? How does the committee follow up? I guess that's the question that MPP Thompson was asking.

Ms. Lisa M. Thompson: Absolutely; I agree.

The Chair (Ms. Indira Naidoo-Harris): I understand that we can ask for a follow-up with a letter of some sort, for example, and we can move ahead with that. So, if there were specific parts of the regulations that were filed here that you think we should follow up with letters, we can do that.

Does the committee recommend that we do that?

Ms. Lisa M. Thompson: Absolutely.

Mrs. Laura Albanese: Sure.

The Chair (Ms. Indira Naidoo-Harris): Okay. All right. Please let me know—there are a number of them here. Let's go through each of them specifically.

Let's start with regulation 69/12, amending 260/97. The current status there is, as of November 23, 2014, it has not been amended. Would you like us to follow up with a letter? Committee?

Mrs. Laura Albanese: I don't know. I don't have anything against following up with a letter; I'm just not familiar with each and every one of these recommendations. However, if the committee had deemed and recommended—I'm fine with a letter. I don't know about my colleagues.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson.

Ms. Lisa M. Thompson: I'm fine with a letter as well. I'd like to know the reason behind why the amendment hasn't been made, and a time expectation identified as to when it will be made.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: And just for logistics' sake, does it make sense to do a letter per regulation or a letter per ministry with, then, a breakdown of the relevant—

The Chair (Ms. Indira Naidoo-Harris): That's a good point.

Ms. Jennifer K. French: Yes. I'm seeing a couple here for the Ministry of Agriculture, Food and Rural Affairs.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): I've just consulted with the Clerk and she said fine, we can do it per ministry. That makes sense. Any—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Our researcher has something to add to this discussion. Go ahead, Tamara.

Ms. Tamara Hauerstock: I just wanted to emphasize that the power of the committee is to make recommendations.

Ms. Lisa M. Thompson: Well, we recommend that they—

Ms. Tamara Hauerstock: Right.

Mr. Robert Bailey: —they get their act together.

Interjections.

Mrs. Laura Albanese: I guess there's nothing wrong in asking.

The Chair (Ms. Indira Naidoo-Harris): I understand, after consulting with the Clerk, that we can follow up and recommend to them—

Interjection: Just follow up.

The Chair (Ms. Indira Naidoo-Harris): —just follow up, essentially. Okay.

Mrs. Laura Albanese: Chair?

The Chair (Ms. Indira Naidoo-Harris): MPP Albanese.

Mrs. Laura Albanese: If I may, even if the power is to make recommendations, there would be nothing wrong in asking and perhaps providing the ministry with an explanation—do they intend to follow the recommendation, and if they don't, if there's a rationale.

The Chair (Ms. Indira Naidoo-Harris): We will follow up. Thank you.

MPP French.

Ms. Jennifer K. French: And if we're limited to making recommendations, can we make the recommendation for them to provide a rationale, or is that toeing the line? If we ask a question and they decide that that's outside of our jurisdiction, they can choose not to answer, right?

Ms. Lisa M. Thompson: They should explain—

The Chair (Ms. Indira Naidoo-Harris): One minute. I'm getting some advice on this.

Interjections.

The Chair (Ms. Indira Naidoo-Harris): I understand that this was from a previous report, and before that report was made, the ministry was consulted. However, we can follow up with a letter just suggesting that this be completed.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Yes—reiterate the recommendation that was made, and I think that's a good step.

MPP Thompson.

Ms. Lisa M. Thompson: Thank you, Chair. Our comments percolated through the review of the Ministry of Agriculture, Food and Rural Affairs, but also we have an outstanding item with the Ministry of Health and Long-Term Care. Can our recommendations be applied to both ministries, whereby they haven't followed through?

Mr. Robert Bailey: All the ministries.

Ms. Lisa M. Thompson: All the ministries?

Interjection.

Ms. Lisa M. Thompson: Okay.

The Chair (Ms. Indira Naidoo-Harris): All the ministries listed here is what you're recommending we follow up on?

Ms. Lisa M. Thompson: Thank you, yes.

The Chair (Ms. Indira Naidoo-Harris): Does the committee agree with that? Right now, what we're looking at is follow-up letters on those items, the current status of some of these potential violations of standing orders—just following up with letters recommending—

Mrs. Amrit Mangat: For all of them?

Mrs. Laura Albanese: On the ones that are filed.

The Chair (Ms. Indira Naidoo-Harris): All of the ones. All of the ones where they have not been amended.

Mrs. Amrit Mangat: That have not been amended.

The Chair (Ms. Indira Naidoo-Harris): Yes.

Mrs. Laura Albanese: Just to be clear, they are those on pages 9, 10 and 11.

Interjection: Yes.

Ms. Lisa M. Thompson: But what about page 6 as well?

Mrs. Marie-France Lalonde: These are the new ones, so—

Ms. Lisa M. Thompson: Yes.

Mrs. Laura Albanese: But for the new ones, there were only two—

Mrs. Marie-France Lalonde: Recommendations.

Mrs. Laura Albanese: —recommendations that have been made and that have not been adopted yet by the committee. And that's why we're asking the ministries to come and speak, right?

Ms. Lisa M. Thompson: That's fair.

The Chair (Ms. Indira Naidoo-Harris): So, being clear for everybody here on this committee: We are now looking at the April 2014 report, regulations filed in 2012. And, where applicable, where the current status says that the regulation has not been amended, we will follow up with a letter. Okay?

Ms. Lisa M. Thompson: Thank you.

The Chair (Ms. Indira Naidoo-Harris): I believe that is our discussion for today regarding the report.

We've all decided that there will be further consideration of some aspects of the report. We've asked for more information. The Clerk will get in touch with us about what date would be best to set up a meeting on these things and bring the parties here that are needed for the meeting.

Mr. Robert Bailey: Madam Chair, I have a question.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Bailey?

Mr. Robert Bailey: We were originally scheduled to meet this afternoon for that subcommittee report. If the people who are here in the room are available—I'll leave it to your discretion—would you like to get it over with this morning so we don't have to get together this afternoon?

The Chair (Ms. Indira Naidoo-Harris): Thanks for the suggestion, MPP Bailey. I'm going to ask the committee: Would you prefer to just stay a few minutes longer and try to deal with the subcommittee request?

Ms. Daiene Vernile: I'm happy to stay. So if we can all stay, let's do that and save time this afternoon.

Mr. Robert Bailey: It was about how we move forward with one of the government bills. It would just save everybody's time this afternoon, if that's fine with everyone. I don't think it will take too long. Maybe I'm wrong, but—

The Chair (Ms. Indira Naidoo-Harris): Sure, MPP Bailey. So what I recommend is that we wrap up this meeting, but the subcommittee members stay on in the room and we can perhaps finish off with that.

Just one final thing that the researcher has pointed out to me: There may be typos, for example, in the report. Do we direct the Clerk here and the researcher, give them permission, essentially, to fix the typos? Does the committee agree with that?

Interjection: Agreed.

The Chair (Ms. Indira Naidoo-Harris): All agreed. Thank you very much.

That ends our meeting here today. We will adjourn this meeting and stay on for the subcommittee meeting.

The committee adjourned at 0942.

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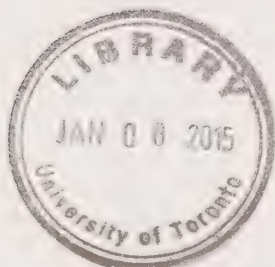
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Journal des débats (Hansard)

Mercredi 10 décembre 2014

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 10 December 2014

Mercredi 10 décembre 2014

The committee met at 0902 in committee room 1.

The Vice-Chair (Mrs. Kathryn McGarry): Good morning, everybody. The Standing Committee on Regulations and Private Bills will now come to order. We have a total of four private bills this morning to consider.

BIBLE BAPTIST TEMPLE (ST. THOMAS)
ACT (TAX RELIEF), 2014

Consideration of the following bill:

Bill Pr5, An Act respecting Bible Baptist Temple (St. Thomas).

The Vice-Chair (Mrs. Kathryn McGarry): We will get going with Bill Pr5, An Act respecting Bible Baptist Temple (St. Thomas). Would you please approach?

I understand Mr. Yurek is sponsoring the bill. Would the applicants please, for the purposes of Hansard, introduce yourselves?

Dr. Al Stone: Yes, ma'am. My name is Dr. Al Stone. I'm the pastor of the Bible Baptist Temple in St. Thomas and the president of Bearing Precious Seed Canada.

Mr. Mike Hollen: Mike Hollen, associate pastor, Bible Baptist Temple, St. Thomas.

Mr. Tom Johnston: Tom Johnston, a lifelong resident of the city of St. Thomas with 14 years sitting on city council for the city of St. Thomas.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Yurek, do you have any comments to start off with?

Mr. Jeff Yurek: Sure, I'll just be very brief with my comments. Bible Baptist temple church in St. Thomas came forward over a year and a half ago with regard to a property they had purchased. They were moving what they're currently doing in their church to this property on which they are now charged municipal taxes. This bill that they've brought forward basically allows the municipality to waive their municipal taxes. It does not force the municipality to do so nor does it open the doors for any other charity or church to do so.

This is a specific bill which follows precedent made at this committee over the last few years where this committee can allow municipalities to waive municipal taxes for certain institutions or groups, provided the Ontario Legislature has done so. They've worked hard with local council to ensure that they can move forward; however, they have not pushed the issue on the floor of council

because it's the chicken before the egg. Why do all the work if the Legislature here doesn't allow it to go forward? So they've come forward to get the blessings of the Ontario Legislature so they can go forward and work with St. Thomas city council towards alleviating their taxes.

I'll let them go forward with it.

The Vice-Chair (Mrs. Kathryn McGarry): Do the applicants have any comments to make?

Dr. Al Stone: Yes, ma'am. Madam Chair and members, thank you, first of all, for allowing us to do this. I'm originally from Simcoe, Ontario, which is just a small community, and to think that a boy from Simcoe would have business at Queen's Park is really quite a thrill and an honour. So thank you. I'm sure you feel the same way.

Just over 10 years ago, the Bible Baptist temple church—we changed the name to “church”—the Bible Baptist Church was forced to make a monumental decision: build a new worship facility to accommodate a church that was growing exponentially, or build a facility to house one of the most exciting projects in our church's history.

The decision was made unanimously by our church: We would forfeit using the money saved for a new worship complex for that of one big enough to accommodate the massive amount of materials that we're handling in our goal of reaching every home in Canada with one of these. It is the gospel of John and the book of Romans put into a booklet. We're trying to reach every home in Canada, and we have done very well at that.

That Bearing Precious Seed ministry became so popular that the demand for thousands a year quickly grew to hundreds of thousands, to last year close to one million of those. Putting them together and mailing them out by our volunteer force of church members, we have distributed just over four million since our ministry's inception 11 years ago.

Eight years ago, MPAC inspected what we were doing in a house located next to our church, and the assessor declared us tax-exempt because it was an extension of the church on church-owned property. Our obvious assumption was that by building a facility on our church-owned property now to continue on with what we are already doing in the exact same fashion, we would continue to be tax-exempt. That was not the case and is, unfortunately, what brings us here today.

I know and fully understand the concern that you would maybe have of this opening a floodgate. We have tried to make this as site-specific, ministry-specific and task-specific as we possibly can, with the help of legislative counsel and the Clerk. We do not know of another ministry of this type anywhere in the province. My understanding is that should this ministry or building usage change for extension ministry of the Bible Baptist Church, the exemption would then revert back. So we are trying to keep it without anything changing on our end, but, if it did, we understand that would change.

We also have tried to follow any other precedents, and there have not been a lot of them over the last five years that we can find. So it's a very specific task that we're asking for. Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Any further comment?

Mr. Mike Hollen: I'd just like to say thank you for letting us come here, share our desire with you and just answer any questions for you. I think our compendium speaks for itself as far as examples and precedents set. We're just here to answer any questions for you.

Dr. Al Stone: I would like to say as well, if I could, that Mr. Johnston has volunteered to come down with us. He is not a member of our church; he is one of our council members. We have a letter from one of our other council members who is also supportive that I got just before we came, so we could not submit that.

We've also had our mayor to the facility and she saw what we were doing. Her quote was, "This just makes sense." This is the church; this is a church function. It's not in a church building per se, but it is owned by our church, operated by our church and funded by our church.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comments? Are there any other comments?

Are there any interested parties in the room that wish to speak to the bill? Seeing none, are there any comments from the government? Ms. Mangat.

Mrs. Amrit Mangat: Thank you for your presentation, and welcome to Queen's Park. Just to clarify for myself, I have a few questions. The church is a registered charity? Is this a registered charity?

Dr. Al Stone: Yes. Well, the church is a registered charity, yes.

Mrs. Amrit Mangat: Okay. My understanding is you said in your presentation that the city is supportive of this.

Dr. Al Stone: The city is supportive in that we put it before the city. We offered them the notice that we were going to come to Queen's Park; if they had any questions or objections, we would meet with them and confront those. There were none. Mr. Johnston was at that meeting and worked with us through council, and we had no opposition coming to this meeting.

They couldn't officially stand behind this because they have not taken this to council yet, waiting for the decision here.

Mrs. Amrit Mangat: Would you mind sharing with the members of the committee—you spoke about past precedents in your presentation. Can you name a few?

Dr. Al Stone: Yes, ma'am. Do you want to say something first?

Mr. Jeff Yurek: Yes. I'll speak to the city council support. You also have to realize that we just went through municipal elections, and council had a major overhaul in St. Thomas. So to actually have, at this point, full support of the city council would be near to impossible, considering they had their first meeting last week. But they have been proactively working with the new councillors and, of course, they had the mayor out.

I think Mike can answer the precedent settings that they've had.

Mr. Mike Hollen: Sure. Our compendium there shows four or five examples of registered charities that have auxiliary buildings that were taxable at one time. They came to Queen's Park and were able to get a private bill passed so that their municipality could act in the way they felt was fair and just in that area.

0910

There are several listed there—again, not exactly a print distribution centre like we have, because there is no example of that. It's a unique ministry but different, like the Sisters of St. Joseph in Peterborough, the Sisters of St. Joseph in London, the Joseph and Wolf Jewish community centre—so community centres. There are some places for the sisters to live, so auxiliary buildings owned by a registered charity, even some examples where they were tax-exempt at one time. They moved locations and then became taxable, and through this private bill were able to get that tax-exempt again, the same as us. We had a building that was tax-exempt. We moved locations, and it became taxable. We're just looking for them to be able to go back and do what was fair and just before.

Mrs. Amrit Mangat: Would you mind sharing with us the dollar amount?

Mr. Mike Hollen: Each year? Yes, it's about \$6,200 a year that we pay in tax on the building.

Mrs. Amrit Mangat: So what's the total amount which we are looking for exemption?

Mr. Mike Hollen: Well, the way the bill is written, I think even with the new wording, it is for \$6,200 a year to be tax-exempt, and then there have been, I think, six years that we paid taxes on it, and it allows the city to go back and make that retroactive if they choose to. That's how it's written—so again, whatever the city feels is fair and just in the situation.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Hoggarth?

Ms. Ann Hoggarth: Good morning. Thank you for your presentation. I just wanted to ask, you were tax-exempt before you changed the name to "church"?

Dr. Al Stone: No. The church started a ministry, a project, an opportunity for our church members to do this. We gave it a title and name, Bearing Precious Seed, just for recognition's sake by the church and other churches.

The church has always been tax-exempt, and what we do is we take the scripture portions, put them in a cover, staple them, fold them and cut them. We were doing that in the church building. It got so big, we moved out to a storefront. It became too big for that, so we moved into a house that the church owned next door to the church. It outgrew that, so we built a facility to simply handle the materials that we were doing. We're doing over a million a year, so it takes a great deal of space.

While we were doing it in the house, we were assessed by MPAC. They said, "This is a ministry of the church. It's tax-exempt." We're doing the exact same thing, just in a bigger building, but we're taxed in that bigger building.

Ms. Ann Hoggarth: I'm not finished.

The Vice-Chair (Mrs. Kathryn McGarry): I'm going to go to Ms. Vernile and then back to you.

Ms. Daiene Vernile: Thank you very much for making the trip down here to Toronto. In response to your comments, I was newly elected in June, so every time I come to this building, every day, I feel the way that you do. You feel very awed.

Dr. Al Stone: Awestruck. Thank you.

Ms. Daiene Vernile: This building where you are packaging these booklets and sending them off—are you doing any other work in that building, or is it just the packaging?

Dr. Al Stone: That is it. We have our church offices in that building. We do use it for other church functions as far as—we have five acres of property. We use one acre for that building and parking. We do have church picnics out there, we have teen activities on the property, but the building is set just for this project.

Ms. Daiene Vernile: We should hear from the councillor. What are your thoughts on all of this?

Mr. Tom Johnston: I've been involved with this all the way through. I was quite shocked. They had the house on Park Avenue where they did all this process, and when they moved out to the new building and were taxed, I thought, "How can this happen?" That's kind of how we are here today, because the process that they are doing today is no different than they were doing right beside the house at the church that they had on Park Avenue.

Ms. Daiene Vernile: Thank you very much.

Dr. Al Stone: Mr. Johnston is very supportive. In fact, in the purchasing of the land and the rezoning for the church use, he was instrumental in helping us there as well, so our thank you to him.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, Ms. Hoggarth?

Ms. Ann Hoggarth: My supplementary question from before was: I am assuming that those booklets are given away, they're not sold?

Dr. Al Stone: Absolutely. The cost of producing and mailing one of these—I have a copy if you'd like one—is 40 cents. Our church—and we have approximately 50 other sister churches that help to fund that; no charge to anyone. We give them away, so all of the cost is absorbed

by our church of a few hundred people, which is really quite monumental, but we're so passionate about it, we have no problem doing it.

Ms. Ann Hoggarth: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions from the government side?

Moving on, I know that there are questions from the committee members. Mr. Hillier?

Mr. Randy Hillier: Thank you very much. We're very supportive of the bill. This is commonplace. I've been on this committee for a number of years, and indeed the purpose of this committee that we deal with so often is tax exemption for religious activity. So we're very supportive of it.

I did want to mention that this bill allows the municipality, if they choose, to exempt this facility. The amendments that we have to the bill—there are three amendments which go back further and allow the municipality to reimburse for previous years' property taxation on the facility.

So it's not out of the ordinary. We've seen it often in the past, and we'll be supportive of the bill.

Dr. Al Stone: Madam Chair, I would say that we have happily paid the taxes as a church. We understand our responsibility as citizens of the province. We're happy to do that. But because of the ministry situation—I think we all understand that in any charity today, dollars are so imperative. This just allows us to put the money back into the ministry to help our province, and our country, really. Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Any further questions from committee members?

Seeing none, are members now ready to vote?

Mr. Randy Hillier: Madam Chair, do you want the amendments read in first or after?

The Vice-Chair (Mrs. Kathryn McGarry): I will come to these, yes.

Mr. Randy Hillier: Okay.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

On section 1, there is an amendment for number 1. Were you ready to move, Mr. Hillier? Thank you. Will you please read it out?

Mr. Randy Hillier: I move that the definition of "specified property" in section 1 of the bill be amended by adding "and identified by assessment roll number 020-215-63500-0000."

It's just a housekeeping motion to specifically identify the property.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Is there any debate? Seeing none, are members ready?

Shall the motion carry? All those in favour? Any opposed? That motion is carried.

Shall section 1, as amended, carry? Any opposed? Motion carried.

On section 2, there is an amendment. Would somebody like to read out the amendment? Mr. Hillier.

Mr. Randy Hillier: I move that subsection 2(2) of the bill be struck out and the following substituted:

“Municipal tax cancellation bylaw

“(2) If the council of the city of St. Thomas passes a bylaw under subsection (1), it may pass bylaws cancelling the taxes for municipal purposes, other than local improvement rates, including interest and penalties, on the specified property, for the periods specified in subsection (2.1), provided that the conditions set out in clauses (1)(a), (b) and (c) are satisfied for those periods.

“Periods

“(2.1) For the purposes of subsection (2), the periods are,

“(a) all or part of the years 2008, 2009, 2010, 2011, 2012 and 2013; and

“(b) any year or part of a year,

“(i) to which the exemption applies under subsection (1), and

“(ii) for which taxes have been levied.”

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Any debate? Seeing none, shall the motion carry? Any opposed? The motion is carried.

Shall section 2, as amended, carry? Any opposed? Motion carried.

Shall section 3 carry? Carried.

Are there any amendments for that?

Interjection.

The Vice-Chair (Mrs. Kathryn McGarry): Moving on to section 4, I see that there's an amendment. Mr. Hillier.

Mr. Randy Hillier: I move that section 4 of the bill be amended by striking out “exempted or”.

0920

The Vice-Chair (Mrs. Kathryn McGarry): Any debate?

Shall the motion carry? Any opposed? The motion is carried.

Shall section 4, as amended, carry? Any opposed? Motion carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Any opposed? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Any opposed? Carried.

Shall I report the bill, as amended, to the House? Any opposed? Carried.

Thank you, gentlemen.

Dr. Al Stone: Merry Christmas.

The Vice-Chair (Mrs. Kathryn McGarry): Merry Christmas. As I said, Santa had come to the Legislature this morning. Thank you.

SAINT PAUL UNIVERSITY ACT, 2014

Consideration of the following bill:

Bill Pr8, An Act respecting Saint Paul University.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Fraser, would you and your delegation please come for-

ward? Committee, we will be carrying on with Bill Pr8, An Act respecting Saint Paul University. Mr. Fraser is sponsoring this bill. Would your applicant please introduce himself for the purposes of Hansard this morning? Good morning.

Mr. Russell Gibson: Good morning. My name is Russell Gibson. I'm a lawyer in Ottawa from the law firm Vincent Dagenais Gibson, and I'm counsel for Saint Paul University.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Mr. Fraser, do you have any comments this morning?

Mr. John Fraser: I'm very pleased to be here. I do want to say that this bill has died on the order paper twice before. It's simply updating the charter, which was last updated in 1849. Thank you very much for your time this morning. I'll let us begin.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Go ahead, please, with comments.

Mr. Russell Gibson: Thank you very much, Mr. Fraser. Good morning, Madam Chair, members, esteemed counsel and clerks. Saint Paul University is a Catholic-sponsored university in Ottawa. The university was originally created by statute in 1849.

I must just clarify one comment that Mr. Fraser made. There have been a few amendments over the years to the bill, but not on this particular issue. The issue we are asking to be considered this morning is the composition of the senate of the university, which is a very important body within the governing structure of the university. That particular structure has not been updated, and some of the language requires updating. Some of the terms are no longer relevant. In 1849, which was prior to Confederation, it probably was not contemplated what a modern university would look like.

Saint Paul University is a Catholic-sponsored university. It was founded by the Oblate Missionaries of Mary Immaculate. The chancellor of the university is Archbishop Terrence Prendergast. The university is a thriving university in Ottawa, and the key reason for updating the description of the offices of the senate is to bring it also into conformity with changes that were made to its Catholic charter a few years ago, which identified these terms in the senate composition that we are asking to be updated. For example, it refers in the old statute to, “the directors of special schools operated by the university; such professors of the faculty of divinity for a set period of time; four professors of the faculty of arts and institutions affiliated with the university.”

The proposals to the new composition of the senate include language that is clearer. It refers to the appointment of students to serve in the senate, two students from the first cycle elected by students for at least two years; students from the second or third cycle; one professor from each faculty, school and institute elected by their peers for two years.

The language is much more in tune with how a modern university operates.

Thank you very much for the opportunity to speak to this. I hope that it'll meet with your approval.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you very much for your comments. Are there any interested parties in the room who wish to speak to the bill?

Seeing none, are there any comments from the government side?

Seeing none, are there any questions from committee members? Mr. Hillier?

Mr. Randy Hillier: Seeing that I've been here and heard this presentation before and voted in favour of it in the past—as a committee, of course, we'll be supporting this private bill.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Good. Thank you. This bill is carried.

Thank you, sir.

WALKER TOWNE CENTRE INC. ACT, 2014

Consideration of the following bill:

Bill Pr13, An Act to revive Walker Towne Centre Inc.

The Vice-Chair (Mrs. Kathryn McGarry): We're going to move on to Bill Pr10—

Interjection.

The Vice-Chair (Mrs. Kathryn McGarry): Oh, sorry. We're just going to have a change of order. One of our sponsors is not here yet, so we're just going to skip one and bring Bill Pr10, An Act to revive 752458 Ontario Ltd.

Interjection.

The Vice-Chair (Mrs. Kathryn McGarry): I'm sorry, we're going to the last one, Pr13. We're moving to number 4, Bill Pr13, An Act to revive Walker Towne Centre Inc.

Ms. French is introducing the bill on behalf of Mr. Hatfield. Would the applicant please introduce himself for the purposes of Hansard this morning? And welcome.

Mr. John McMahon: My name is John McMahon. I'm solicitor for the applicant.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French, do you have any comments?

Ms. Jennifer K. French: No. I'm pleased to sit beside Mr. McMahon in Percy Hatfield's stead and looking forward to this moving through smoothly.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. McMahon, do you have some comments?

Mr. John McMahon: Just a brief summary: This company was voluntarily dissolved by the corporate controller. She had failed to realize that there were still some outstanding shareholders' loans. They want to revive the corporation so that it can still carry on and

those shareholders' loans could be repaid in the ordinary course of business.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are there any interested parties in the room who want to speak to the bill?

Seeing none, are there any comments from the government side? Ms. Mangat?

0930

Mrs. Amrit Mangat: Thank you for coming to Queen's Park. I just want to know, what is the dollar amount of the loans? You talked about loans in your presentation.

Mr. John McMahon: I believe it's in the low six figures.

Mrs. Amrit Mangat: Six figures?

Mr. John McMahon: Yes. It's a significant amount of dollars to the applicant, to the shareholder.

Mrs. Amrit Mangat: Okay. Is it to the shareholders or partners?

Mr. John McMahon: To the shareholders.

Mrs. Amrit Mangat: To shareholders. Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comments from the government side?

Are there any other comments from the committee? Seeing none, are the members ready to vote?

Ms. Jennifer K. French: Madam Chair?

The Vice-Chair (Mrs. Kathryn McGarry): You will need to switch to your seat, Ms. French. Ms. French is wearing two hats this morning.

Ms. Jennifer K. French: I may just be wearing three.

The Vice-Chair (Mrs. Kathryn McGarry): Oh, I don't see the Santa hat yet.

Okay. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Great. Carried. Congratulations.

752458 ONTARIO LTD. ACT, 2014

Consideration of the following bill:

Bill Pr10, An Act to revive 752458 Ontario Ltd.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French, are you sitting in for your team member?

Interjection.

The Vice-Chair (Mrs. Kathryn McGarry): Okay. Thank you so much.

Committee, we're going to move back now to number 3, Bill Pr10, An Act to revive 752458 Ontario Ltd. Would the applicant and Ms. French please come forward? Thank you. Would the applicants please introduce themselves for the purposes of Hansard this morning?

Mr. Bruce Duggan: This is an application to revive a corporation—

The Vice-Chair (Mrs. Kathryn McGarry): All I'm needing are your three names so that we have those listed in Hansard, and then I'll ask for comments. Thank you.

Mr. Bruce Duggan: Sorry. My name is Bruce Duggan. I'm the solicitor for Ms. Brown and the corporation that was dissolved.

Ms. Cindy Brown: My name is Cindy Brown. I'm the director of 752458 Ontario Ltd.

Mr. Peter Brown: I'm Peter Brown and I'm the shareholder.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

Ms. French, do you have any comments to begin with?

Ms. Jennifer K. French: None, beyond that I'm pleased to sit here to put through An Act to revive 752458 Ontario Ltd.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

Go ahead, Mr. Duggan.

Mr. Bruce Duggan: Thank you. Good morning and thank you very much for the opportunity to be here.

This is an application to revive a corporation that was voluntarily dissolved when it ought not to have been. There was a business operated until 2012. There was a dispute between the landlord and the tenant over the quality of the premises. The corporation ceased to operate in about January 2012 as a result of the dispute. In the fall, an action was commenced by the landlord; litigation and counterclaims were prosecuted by the corporation.

Concurrently with that, there was an ongoing process to dissolve the corporation voluntarily. The director at the time did not appreciate the impact that the dissolution of the corporation would have on his ability to participate in the litigation. It realized it after the voluntary dissolution. It wasn't legally entitled to dissolve because it was involved in litigation, and this is now an application to revive the corporation for that reason.

The Vice-Chair (Mrs. Kathryn McGarry): Okay, thank you. Are there any interested parties in the room who wish to speak to the bill? Seeing none, are there any comments from the government? Mrs. Mangat.

Mrs. Amrit Mangat: Thank you for your presentation. I just want to know, what was the nature of the dispute?

Mr. Bruce Duggan: The tenant had operated the leased premises from 2010 to 2012. They used sensitive computer equipment and fibre optic technology that was sensitive to air quality. During that time, the landlord's ventilation system started to draw in granite dust from another commercial tenant farther away and it began to damage the equipment of the tenant. The tenant complained to the landlord and there were ongoing discussions, over a year and a half or two years, perhaps, trying to resolve the problem. The landlord never did resolve the problem and in January 2012, the tenant said, "Our equipment is being destroyed. We're not going to continue occupying here." The solicitor of the corporation at the time served a notice that it was terminating the lease for

cause. The corporation at that point left the premises and perhaps thought nothing more would come of it—they were gone; they were finished—and they started the process to dissolve the corporation in the fall of 2012.

In the fall of 2012, the landlord commenced court action against the tenant. The tenant counterclaimed and through the same period of time the process to voluntarily dissolve the corporation continued. It just overlapped and unfortunately it wasn't appreciated at the time what impact the dissolution would have.

Mrs. Amrit Mangat: So has that cold case been resolved now?

Mr. Bruce Duggan: The litigation continues.

Mrs. Amrit Mangat: It continues?

Mr. Bruce Duggan: There was a court motion to terminate when the solicitor for the landlord realized—this is how it came to light—that the corporation had dissolved. A motion was brought to terminate the defence of the tenant. An application was brought by the tenant's solicitor to allow the action to continue while the dissolved corporation proceeded to attempt to revive itself.

Mrs. Amrit Mangat: Are there any taxes owed by the corporation?

Mr. Bruce Duggan: I'm sorry?

Mrs. Amrit Mangat: Are there any taxes owed by the corporation?

Mr. Bruce Duggan: Debts?

Mrs. Amrit Mangat: Taxes.

Mr. Bruce Duggan: Taxes—I'm sorry. There are no taxes.

Mrs. Amrit Mangat: No taxes? Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions?

Mrs. Marie-France Lalonde: Just a little question: When the letter was provided to the landlord, did the company relocate or just cease to exist?

Mr. Bruce Duggan: Ceased to exist.

Mrs. Marie-France Lalonde: And up to now it hasn't gone back into business?

Mr. Bruce Duggan: That corporation has not continued in business.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile?

Ms. Daiene Vernile: What are the advantages to you of reviving this corporation?

Mr. Bruce Duggan: There are two advantages. It allows the tenant to prosecute a claim for damages as a result of the landlord's conduct, number one. Number two, the landlord's lawsuit also includes a claim against Mr. Brown for a guarantee that he provided to the landlord guaranteeing the obligations of the tenant. If the tenant ceases to exist that ends any defences the tenant can bring and leaves Mr. Brown fully exposed on his guarantee.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions from the government? Are there any other questions from committee members?

Mr. Robert Bailey: I'd just like to thank Mr. and Mrs. Brown and Mr. Duggan for presenting this morning.

The Vice-Chair (Mrs. Kathryn McGarry): Are the members ready to vote? Okay. Ms. French?

Ms. Jennifer K. French: I'm moving as fast as I can.

The Vice-Chair (Mrs. Kathryn McGarry): Double duty. Double time, there. Okay.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Mr. Bruce Duggan: Thank you very much, Madam Chair and members.

The Vice-Chair (Mrs. Kathryn McGarry): Good luck. Best of luck.

There's no other business before this committee this morning, so we stand adjourned. Thank you.

The committee adjourned at 0939.

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Journal des débats (Hansard)

Mercredi 18 février 2015

Standing Committee on Regulations and Private Bills

Draft report on regulations

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
sur les règlements



Chair: Indira Naidoo-Harris
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 18 February 2015

Mercredi 18 février 2015

The committee met at 0900 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Okay, good morning, everyone. I'm Indira Naidoo-Harris. The Standing Committee on Regulations and Private Bills will now come to order.

We're here to resume deliberation and consideration this morning of the draft report on regulations made in 2013. When we last considered the draft report, the committee agreed to invite representatives from the Ministry of Education and the Ministry of Transportation to comment and answer questions on the regulations in question.

MINISTRY OF EDUCATION

The Chair (Ms. Indira Naidoo-Harris): First we're going to start off with the Ministry of Education. So I'd like to ask those representatives to please come up and take a seat.

Good morning, and thank you for coming in today. Before I ask you to start your presentation, I'm actually going to turn to our legislative researcher right here, Tamara Hauerstock, and ask her for a summary of the regulation that we're discussing this morning, just so that everybody has a good sense of what's going on. Tamara.

Ms. Tamara Hauerstock: Good morning. Just to very briefly recap the regulation that we discussed at our last meeting, the one with respect to the Ministry of Education is O. Reg 288/13. The issue we raised with the ministry was the regulation-making authority. This regulation was made by the minister, but it appears, under the Education Act, that the authority to make the regulation rests with the Lieutenant Governor in Council.

When we raised this issue with the ministry, they indicated that, in fact, it had been made by the minister through an oversight. They noted that it did ultimately receive the approval of the Lieutenant Governor in Council.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Just to go over again for committee members here, we are now looking at regulation 288/13 on pages 4 and 5 of the draft report. Once you're there, I'm going to ask the Ministry of Education folks to begin.

Please start off by introducing yourselves for the purposes of Hansard. Following that, you may make a statement on the ministry's position regarding this.

Mr. Prabhu Rajan: Yes. Good morning, Madam Chair and members of the committee. My name is Prabhu Rajan. I'm the legal director for the Ministry of Education's legal branch. To my left is Elisabeth Scarff, who is a senior counsel at the branch. To my right is Jill Worthy, who is the acting manager of the Early Years Division.

Let me just start off by thanking the committee for inviting me, on behalf of the Ministry of Education, to attend before you to explain an issue identified by your counsel, Ms. Hauerstock, regarding a regulation made in 2013 by the Minister of Education. I note that it was approved by the LG after it was made by the Minister of Education.

As Ms. Hauerstock has noted, she sent a letter in October 2014 indicating that counsel were not able to locate the regulation-making authority for the Minister of Education to make Ontario regulation 288/13, made under the Education Act. I'd like to start off by acknowledging that counsel's concerns, as identified in her letter and as she just identified in her remarks, are fair and that we acknowledge that this particular regulation in fact should have been made as a Lieutenant Governor in Council regulation rather than a Minister of Education regulation with the approval of the LGIC.

So we do concede that this was an oversight, and we thank the committee for bringing this oversight to our attention. On behalf of the ministry, I can assure you that we will make every effort to ensure that this does not happen again. But we would like to note that we believe that the error was technical in nature and not substantive and that there was no prejudice to any party.

It might be useful now just to provide a brief overview of the history of the regulation, which will, hopefully, provide you with a bit more context as to the making of this regulation. In 2010, the Legislature passed amendments to the Education Act to implement the full-day kindergarten program in Ontario's public elementary schools. This program was phased in over the course of five years beginning in 2010-11—the school year.

There are two primary elements to the full-day kindergarten program: (1) school boards have a duty to offer full-day junior kindergarten and kindergarten generally; and (2) a duty to ensure that there is a before- and after-school program for pupils in full-day kindergarten programs in every school required to offer full-day kindergarten. This before- and after-school program is

referred to as the Extended Day Program. That's the regulation that you have before you that refers to or deals with the Extended Day Program.

The amendments to the act include authority for regulations related to both elements but established in two different parts of the Education Act. The regulatory authority relating to full-day kindergarten was established by amending existing subsection 11(1) of the act, which provides authority for the Ministry of Education to make various regulations, subject to the approval of the LGIC.

The regulatory authority relating to the Extended Day Program was set out in new section 260.5.2 in the new Part IX.1 of the act. This authority was established as direct LGIC authority. So one was a minister's reg subject to the approval of the LGIC; the other was for the LGIC to make.

Over the five-year phase-in period, the regulations were updated regularly to add to the list of schools that were subject to the duty as specified by school year. So not every school had to provide full-day kindergarten from day one. It was phased in over the course of five years, which is why the regulation was continuously updated. Matching amendments to both regulations—both full day and the extended day—were made simultaneously.

In October 2013, Ontario regulation 289/13 amending the full-day kindergarten regulation, and a parallel Ontario regulation 288/13 amending the Extended Day Program regulation, were made—the latter, of course, being the one at issue here today. As you know, the latter regulation should have been made as a direct LGIC regulation as had all the previous Extended Day Program. That's an important point to make. This is the only one out of the many that were made that was not done appropriately. We would like to note also that the Lieutenant Governor approved the regulation in question in the same manner as he would have if the regulation had been made by him.

Reflecting the end of the five-year transition period, the schedule of the school set out in Ontario regulation 288/13 was revoked in its entirety effective September 1, 2014, reflecting the fact that all boards now are required to effectively provide full-day kindergarten and Extended Day Programs in all elementary schools, with some limited exceptions.

The only remaining provision in Ontario regulation 288/13 simply duplicated the same provision, which remains in the full-day kindergarten regulation amendment.

These parallel provisions provide that the obligations under this regulation with respect to a school terminate upon the closure of the school, which is fairly self-evident, but this was put in the regulation regardless.

This section was intended as a matter of simply clarification and, in our opinion, had no substantive impact on obligations under the regulation. This is especially so since there is no issue with the provision as set out in the full-day kindergarten regulation, and if a

board has no duty to provide full-day kindergarten at a particular school, of course it has no duty to provide the Extended Day Program.

As I've tried to highlight, while an oversight was made, it was technical in nature. Unfortunately, under the Education Act, it can be a bit confusing at times, given that there are three different types of reg-making authority. There are three different types of reg, actually. There's a minister's reg, there's a minister's regulation with LG approval, and there are also LG regs.

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So we acknowledge the oversight and do not expect to make such an error in the future.

Subject to any questions—I have my expert colleague next to me as well; we're happy to answer any questions. But thank you for your time.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your presentation.

I'd now like to turn it over to our committee members. Does anybody have a question, and who would like to start? Daiene Vernile.

Ms. Daiene Vernile: Thank you very much for coming and speaking to our committee this morning.

Just to clarify, during all of this technical issue, at no point was the rollout of full-day kindergarten or before- or after-school supervision—none of that was ever affected?

Mr. Prabhu Rajan: No, I don't believe so. I can turn to a client.

Ms. Jill Worthy: Absolutely correct. School boards were required to submit annually to us in the Early Years Division a listing of all of the schools and the locations where they were providing before- and after-school programs. So that was a secondary requirement not in legislation. We have clear evidence that every single school that offered full-day kindergarten also was required to offer an extended day program. They didn't necessarily run in every school, because it's a question of cost recovery and the programs have to be considered viable in order to be offered. But each school board had to survey the community to determine whether or not there was sufficient interest for a program to be offered on a cost-recovery basis.

Ms. Daiene Vernile: So this was just a technical oversight that did not affect the rollout of this program in any way?

Ms. Jill Worthy: Not at all. Not at all.

Mr. Prabhu Rajan: That's correct.

The Chair (Ms. Indira Naidoo-Harris): Thank you. I understand MPP French has a question. Go ahead.

Ms. Jennifer K. French: Yes, thank you, and again, thank you for coming to present to us this morning.

Actually, my question is a specific question about the draft report and some wording in it. On page 5, just before the possible recommendations on this section, it says, "The committee has addressed a similar issue (where regulations were made [by] the Lieutenant Governor in Council instead of by the minister) in both its April 2011 and April 2012 reports."

My question to you is, was that also through the Ministry of Education, those regulations?

The Chair (Ms. Indira Naidoo-Harris): I believe the legislative researcher—

Ms. Tamara Hauerstock: I don't have those reports in front of me, but it was not the intention to imply that that was the Ministry of Education. That's not clear, so I will amend that and I can clarify which ministries it was. The intention in putting that sentence in the draft was to point out that this is an issue that has arisen in the past, that we've raised and commented on in the past.

Ms. Jennifer K. French: Thank you, because I didn't think that was consistent with what they were saying, that there had been many made but only one done incorrectly. I didn't know.

Ms. Tamara Hauerstock: Yes, that's a good thing.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. Now MPP Bill Walker.

Mr. Bill Walker: Thank you very much, Madam Chair. I'm not certain who I'm directing my question to, but it's from this perspective: It's a technicality—I get that—but we now have two parallel regulations. Would the typical practice not be to remove and correct? Because otherwise, we still have these two, even though it's a technicality.

Ms. Elisabeth Scarff: Actually, it has already been addressed, because these regulations have been updated regularly. So in 2014, the schedule in the suspect—I'll call it that—regulation was entirely repealed and a new regulation was made in which the full implementation of full-day kindergarten and extended day programs—which reversed the onus, because the transition period was over. Now the core regulations say in every school, subject to exceptions. Those regulations were made totally in accordance with the relative regulatory authority. That's the other reason why the error has really become quite redundant, because the main substance of that regulation was repealed by an LGIC regulation.

Mr. Prabhu Rajan: Yes. Prior to 2014, the regulations set out the list of schools that were to provide full-day kindergarten, extended day; 2014, as my colleague has noted, flipped it around, saying all schools must provide except for particular schools. As Ms. Scarff has indicated, it's become redundant.

Mr. Bill Walker: My follow-up question then is—the possible recommendation is that we remake, but I'm hearing we've done it.

Ms. Elisabeth Scarff: This regulation was actually amending what I'll call the core Extended Day Program, which was regulation—I think it's 224/11. So 224/11 remains, so it didn't have to be remade. But the amendments to that regulation have been updated so that the regulation made in 2013 didn't have to be remade because its contents were no longer applicable.

Mr. Bill Walker: Does legislative research agree with that?

Ms. Tamara Hauerstock: As I understand it, there's that one provision that remains, the clarification provision—not the long table, but that one section.

Ms. Elisabeth Scarff: Yes, the one section. It's already in the FDK regulation, and our position is that it was pure clarification anyway and has no—it has some effect, but it's really for clarification. It already exists in the other regulation.

The Chair (Ms. Indira Naidoo-Harris): We have another question. MPP Amrit Mangat.

Mrs. Amrit Mangat: It's just for my own clarification. Thank you very much for your presentation. On page 5, you said that the regulation was not made by the correct authority. I would like to know, who is the correct authority?

Mr. Prabhu Rajan: This one should have been made by the Lieutenant Governor; rather, in this case, it was made by the minister with the approval of the Lieutenant Governor. What I indicated was, the effect is the same. The Lieutenant Governor looked at the reg, regardless, and approved it, but he didn't make it; the minister made it with his approval. The effect, frankly, is the same, but it's not—

Mrs. Amrit Mangat: That's what I was trying to understand, how it's different. If it's approved by the LG, how is it different? That's what I was trying to understand.

Mr. Prabhu Rajan: It's a technicality in the way regs are made. I didn't draft it, but that's how it was set up in the act. The legislative counsel was accurate in noting the discrepancy, but we would say to all of you that the effect is essentially the same.

Mrs. Amrit Mangat: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions? MPP French.

Ms. Jennifer K. French: Yes, and you'll have to forgive me: I've been jotting down numbers, but I don't have them in front of me.

The original recommendation of remaking, as you have said, doesn't make sense, because it's almost redundant. There is one part about the FDK, as we've heard, that is duplicated elsewhere. In that case, to Mr. Walker's point, is there any reason to have it at all, then? If it's elsewhere, shouldn't it just be withdrawn or taken away?

Ms. Elisabeth Scarff: We can do that, and I will probably take this under consideration with legislative counsel, or in fact remake it whenever we go in. If we remake it, it's not because it's legally required; it's just to have the same consistency across both regulations. It is a suggestion that we can take under consideration. The next time we make the regulation, we can remake that simple section.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: Just for a point of clarification, because I'm still relatively new and learning all of this legislative technicality stuff. I'm a little amiss as to why we would not correct it. If it is something that someone has noted—I get that it's not having any real cause and effect, but at the end of the day it is still confusing for people if there's two. So would we not either accept the

recommendation to fix it, or would we not make a recommendation to amend going forward to clean it up? There's nothing I hate worse in government than having duplication and waste.

Ms. Elisabeth Scarff: I agree. Obviously, that is something that the ministry would seriously consider and probably follow through on.

Mr. Bill Walker: Can I just be pedantic and ask why you would only "seriously" and not right off the bat say, "I want to fix this and make it right"?

Ms. Elisabeth Scarff: Because I'm legal counsel, and I take instructions.

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Mr. Prabhu Rajan: It's not our call.

Mr. Bill Walker: You're sounding like a politician here. Welcome to our world.

Mr. Prabhu Rajan: One of the benefits of being a lawyer.

Mr. Bill Walker: There you go.

The Chair (Ms. Indira Naidoo-Harris): All right. Just one final call: Any further questions or clarifications, or are committee members satisfied? MPP Walker?

Mr. Bill Walker: This is for you, Chair, because, again, I'm learning some of this protocol. At this point, can we put a motion on the table that we, as the committee, would like to see this rectified in whatever manner is acceptable and the most timely?

The Chair (Ms. Indira Naidoo-Harris): At this point, it's not normal that we would do it. We're going to listen to the next presentation and then talk about both presentations at the end.

Mr. Bill Walker: Thank you. I'll just note my recommendation.

The Chair (Ms. Indira Naidoo-Harris): All right. Thank you.

Thank you very much for coming in and thank you very much for your presentation.

Mr. Prabhu Rajan: Thank you very much for your time.

MINISTRY OF TRANSPORTATION

The Chair (Ms. Indira Naidoo-Harris): We now have a representative from the Ministry of Transportation, if you'd please take your seat. This is regarding regulation 169/13. For committee members, this is on pages 7 and 8 of the draft report. However, before we begin with the presentation and your introduction, I will ask our legislative researcher, Tamara Hauerstock, to just summarize for us what the regulation is about.

Ms. Tamara Hauerstock: This regulation, O. Reg 169/13, was made under the Highway Traffic Act, and it relates to school buses. The issue we raised with respect to this regulation was a definition that was put into the regulation which incorporates by reference a standard and also incorporates future changes to that standard into the regulation. This is known as incorporation by reference. Under the Legislation Act, when outside documents are incorporated into a regulation, they should be in-

corporated as they stand on the date that they are incorporated, and future changes should not be incorporated unless the act allows them to be.

In this case, we did not see that the Highway Traffic Act permitted rolling incorporation—in other words, future changes—so that was the issue we raised with the ministry. They responded, just to summarize, that their view was that the rolling incorporation of the standard is something the Legislature would have intended to authorize in this circumstance.

The Chair (Ms. Indira Naidoo-Harris): Thank you. I now would like you to introduce yourself. Welcome. Good morning. Thank you for being here.

Mr. Patrick Moore: Good morning, Madam Chair. My name is Patrick Moore and I'm a lawyer with the Ministry of Transportation.

I could perhaps just give a little bit of background as to the regulation that is in play here. The regulation with which the committee took issue was 169/13. That was actually an amendment to regulation 612, under the Highway Traffic Act, which is the regulation that deals with equipment and design standards for school buses.

The amendment that occurred in 2013 was designed to take some standards that applied in another regulation dealing with what are called accessible vehicles—those are vehicles designed for the disabled—and to move those standards that were applicable to school buses into regulation 612 to have all of the standards applicable to school buses in one place. That would be regulation 612.

Now, what was retained from regulation 612 was what the legislative research counsel has indicated as being the issue, and that is what is sometimes known as a rolling incorporation of a standard that was developed by the Canadian Standards Association. The Canadian Standards Association has developed standards over the years for school buses going as far back to the early 1970s, and that has been amended from time to time—roughly every four to five years, sometimes more frequently. That's done through the work of committees of the Canadian Standards Association that typically involve representatives from all of the provincial governments in Canada, as well as representatives from the private sector and manufacturing.

What the ministry did in regulation 612, as I said, was that the amendment to it was to retain this rolling incorporation such that if there were any further amendments to the Canadian Standards Association standard, those would automatically become the law in Ontario without the need for a further regulation change or another regulation by the Lieutenant Governor in Council to adopt the new standard. In other words, it wouldn't be necessary every time there was a change made by the Canadian Standards Association to come back to cabinet, essentially, to request a regulation change.

In terms of the legalities of that, I understand Ms. Hauerstock has referenced some of the parts of the Legislation Act. There is a provision dealing with the incorporation of outside documents. That's probably the provision that's subject to interpretation in some sense

before this committee. What the Legislation Act indicates is that unless a contrary intention is indicated by the legislation, incorporated documents will be incorporated as of the time of the incorporation and not on a continuing basis.

The ministry's position is essentially that the nature of the Highway Traffic Act, in its scheme for regulating the designs for school buses—the regulation-making powers given in the statute, which include authorities to make regulations dealing with design, the colour of school buses, the equipment on school buses—although there's not an explicit reference in the statute to rolling incorporation and that being authorized, there is impliedly an authorization from the Legislature that regulations could be adopted that would be rolling in nature.

Then it becomes a question: Is this type of regulation the subject matter that the Legislature would have impliedly intended for rolling incorporation? In our view, it is. These are scientific or very technical standards dealing with the batteries on a school bus, the engine and the design of the chassis and so forth. This is the type of material where it would be logical for the Legislature to have intended for there to be a rolling incorporation of what is in effect an expert, a cross-Canada standard, especially when it's been developed by what is in effect an outside expert body like the Canadian Standards Association.

That's the ministry's view with respect to the application of the Legislation Act. Understand there perhaps could be different opinions with respect to the interpretation of the act and the extent to which it allows rolling incorporation, but our view is that, in view of the nature of the act, the regulation-making authorities, the fact that these standards are very technical in nature and they're made by an independent outside body, they are the types of standards where rolling incorporation is permitted. In fact, it is the norm in Canada and other provinces that these Canadian Standards Association standards for the school buses would be adopted on a rolling basis as they are changed, and that helps to have some harmonization across the province for these to be adopted as they are changed at a national level.

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I think there was a question raised as well—I'm not sure if it's still standing—with respect to the accessibility of the standards. They are accessible through the Canadian Standards Association. There's a website where you can go and click and buy the standards. They also have archived standards, which one can access through a customer service representative, in order to obtain any kind of archived standards.

I hope that, in a gist, explains the ministry's position with respect to these standards that have been adopted on a rolling basis.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your presentation. I'd now like to turn it over to committee members. Does anyone want to start off with any questions? Yes, MPP Baker.

Mr. Yvan Baker: Thanks very much, Chair.

If I can summarize what I think you've told us, it is that you're trying to make sure that the regulations reflect the CSA standards and that that be done immediately as those standards change—

Mr. Patrick Moore: Yes.

Mr. Yvan Baker: —on a live basis. So it sounds like your intent was to make sure that you didn't have to go back and amend regulations or create new regulations every time the CSA standards change. On that front, that sounds a little bit—I'm just going back to my colleague MPP Walker's point for the previous witness, a little bit about alleviating waste and duplication in government. Is that fair?

Mr. Patrick Moore: I think that is quite fair. It does alleviate the need to come back to cabinet to ask for a regulatory change. In effect, we have an established policy in Ontario of approving these standards as they are changed from time to time. To come back to cabinet to decide again whether it's going to approve a standard change that might have been a technical change with respect to the chassis of a school bus, for instance, doesn't seem to be a worthwhile exercise just from a practical point of view and also creates the possibility of a time lag between the time that the standard becomes effective and the time that it's adopted by cabinet and then becomes the law in Ontario.

Mr. Yvan Baker: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Next, MPP Walker: Go ahead.

Mr. Bill Walker: I fully support that. I think we also have to think of the people providing the service in those buses who could get caught in the middle if there is that time lag. So my question, I guess, for legislative counsel is: Is it really a technicality that if they were to change and make similar language to comply with requirements—steps to amend—if they had just said “from time to time” you wouldn't have even had an issue with this, or are you really wanting them to go exactly the opposite: “You've got to come back to and review every single reg”? To me, if a motor changes or brake styles change, if I ever have the luxury of being in cabinet, that's not what I want to be talking about.

Ms. Tamara Hauerstock: The issue that I raised was that technically, under the act, the ability to create a regulation with rolling incorporation isn't there. It is there in other parts of the act; other sections of the act do provide explicit permission to do this. Under the regulation-making authority for this type of regulation, the permission is not there.

Mr. Bill Walker: So if we were to incorporate that as an amendment, that would appease what you're trying to accomplish, I believe, and take this all away?

Ms. Tamara Hauerstock: That would be an amendment to the act.

Mr. Bill Walker: Yes.

Ms. Tamara Hauerstock: The regulation-making authority in the Highway Traffic Act would have to be amended to permit rolling incorporation to deal with this technical issue.

Mr. Bill Walker: Understood, but if that's going to resolve the issue, why wouldn't we do that? I definitely want where you're going. I want that to happen. But if we're going to come back to committee again in another year and talk about this again, to me that's just another colossal waste of our time and energy. We could be on to another issue. So if that can clean it up, I would then ask why we wouldn't do that or why we would have real pushback on that. If it gets you what you want, why wouldn't we do it? Conversely, if he's saying no, how hard are we going to push this to make it happen?

The Chair (Ms. Indira Naidoo-Harris): I think that's something that we'll discuss perhaps after the presentation.

Next, MPP French.

Ms. Jennifer K. French: I've heard a lot of my thoughts already kind of echoed around the room—but so I can be on the record. Thank you very much for your presentation. I think, to everyone's point, there doesn't seem to be a question of the importance of the technical or scientific details needing to be updated. I think we recognize that things change, and we want to be current and safe.

So just to reiterate, the change that would ultimately need to happen for anything in future to be in compliance with the Legislation Act is that the act itself needs to be changed. What section are we talking about? I don't see that here.

Mr. Bill Walker: Section 62.

Ms. Jennifer K. French: Ah. I beg your pardon. So section 62 of the Legislation Act would be the target, then, for a legislative change. Is that correct?

Ms. Tamara Hauerstock: I believe so.

Ms. Jennifer K. French: The right change would then provide for this and for other scenarios so that things stay current and we don't have to go back. It's not a matter of static incorporation versus this rolling incorporation—is that it?

Ms. Tamara Hauerstock: That's the issue.

Ms. Jennifer K. French: So rolling incorporation isn't a thing, but we would like it to be. Is that a fair point?

Ms. Tamara Hauerstock: Sometimes the act doesn't keep up with the day-to-day needs of a ministry in administering the act.

Mr. Patrick Moore: I think probably there are some sort of different interpretations that are available. The ministry's interpretation is that currently the Legislation Act permits rolling incorporation in a circumstance like this, dealing with a technical standard by an outside body. I believe, though, that Ms. Hauerstock, and perhaps other views on the committee, would indicate that explicit authorization would be needed in the Highway Traffic Act to permit rolling incorporation. So there are different legal interpretations, I guess, of the requirement under the Legislation Act, as I understand legislative research counsel's view.

Mr. Bill Walker: Who's the judge?

Ms. Jennifer K. French: I was going to say.

Mr. Patrick Moore: Ultimately, if it came down to it, it would be a matter for a court to decide.

The Chair (Ms. Indira Naidoo-Harris): I'm going to stop you there and just give some of our other committee members a chance to chime in on this. Yes, MPP Vernile.

Ms. Daiene Vernile: Forgive me for asking such an obvious question, and I do so on behalf of Ontarians who may follow what is said in this committee; they read up on what we're up to and what you have said. For those folks, can you please give us some insight into what is meant by "rolling incorporation"?

Mr. Patrick Moore: Yes, I'm sorry; I think I threw that term around a few times. There are two types of incorporation, Madam Vernile. One is called a static incorporation. The regulation would incorporate, in this case, the school bus standards as they were on the date that the cabinet made their regulation, February 20, 2015. The state of those Canadian standards and regulations as of that date would be fixed. Those would be the standards that would be applicable and that Ontarians would need to comply with until further notice in a new regulation.

By way of a rolling incorporation, which is the ministry's preferred position, if the standards were changed by the Canadian Standards Association, in consultation with all of the provinces and so forth, they would then become the law as of the date of the change to the standard. If a school bus were manufactured in 2017, the manufacturer would need to comply with, for instance, a Canadian Standards Association standard that came into effect in 2016 or 2017, rather than the Canadian Standards Association standard that had come into effect years earlier.

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Ms. Daiene Vernile: So your intention is to ensure that school buses in Ontario have a standard for design and complement of equipment they have on board?

Mr. Patrick Moore: Design and equipment. Both are very important, whether it be the mirrors, the first aid kits, the lighting, the roof hatches. All of those different things come into play. We want all of those to be up to date so that the most current standard in effect is the law.

Ms. Daiene Vernile: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you. I know several things have been raised, but I think some of those topics may be more appropriate for us to discuss after your presentation. Just before we leave this here, any further questions from the committee members for this Ministry of Transportation representative? Yes, MPP Walker.

Mr. Bill Walker: Thank you, Chair. May I just ask for a point of clarification? Outside of the technical equipment, if you will, if the standards association came up and said, "We're going to change the colour of school buses from yellow to neon green because it's safer, like they've done in the UK with fire and emergency vehicles," is that something that would not be part of this as a rolling—or is that something that would be incorporated, if they said, "Yes, we're going to do that in all other provinces" and Ontario was a dissenting voice?

Mr. Patrick Moore: That would be a bit of a show-stopper, actually. Chrome yellow is an essential aspect of a school bus in North America, and so that's built right into our legislation. That would be an example where that would be an issue—

Mr. Bill Walker: To come back to cabinet. Okay.

Mr. Patrick Moore: It would go so much against the grain that it's kind of unimaginable that the standards association would make such a drastic change.

Mr. Bill Walker: And I see that as much different than, again, changing a mirror, changing a safety arm, changing the size of the chassis. I mean, those things—again, just get on with it and keep it up to date.

Mr. Patrick Moore: Yes.

Mr. Bill Walker: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your presentation, Mr. Moore. Thank you for coming in this morning. It's very much appreciated.

Mr. Patrick Moore: Thank you. Have a good day.

The Chair (Ms. Indira Naidoo-Harris): I would now like to turn the discussion over to committee members. Moving forward, I understand that some clarification may have been asked for. The legislative researcher wants to clarify some things. Go ahead.

Ms. Tamara Hauerstock: I just wanted to take us back for a moment to the mandate of the standing committee, which is the review of regulations. We've had some discussion here about the issue with this provision out of the Highway Traffic Act, and if that section of the Highway Traffic Act read differently, there wouldn't be this issue with our regulation. But that is a step beyond the mandate of the standing committee, because we're at the regulation level.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP Walker?

Mr. Bill Walker: Again, expressing my naïveté, I struggle at times on why we are here if we can't move some of the stuff forward. If I have to come back and talk about this again in another year, I'm going to go crazy. I appreciate and respect fully that there's a difference, but can you then express to me how we, from this committee, get that to change so that we don't have to do this? Because to me, it's just like a continual evolution of bureaucracy and administration, that we go around and around and we don't ever get on to some of the things that we should be talking about.

Ms. Daiene Vernile: Point of order, Madam Chair.

Mr. Bill Walker: And I don't mean that in any disrespect to you or your job.

Ms. Daiene Vernile: Just a point of order: It has not been a year.

Mr. Bill Walker: Well, whatever. "If" it's a year; let's put it that way.

Ms. Daiene Vernile: It has not been a year. We should be accurate for the record.

Mr. Bill Walker: Fair enough. I was using that as an expression, that I don't want to be here in another year talking about the same issue. Is there a way that we can

resolve and move these forward with actionable recommendations?

The Chair (Ms. Indira Naidoo-Harris): Well, I think we're at a point in this discussion where we may want to consider the recommendations that are on the table. I think there are two ways that we could proceed from here on, so let's go back to the matter of the Ministry of Education, the first issue that we discussed, which was regulation 288/13.

I'd like to find out from the committee members if they would recommend that we have further discussion on this and have some time to get more information on it before we move forward with solid recommendations. I get the sense that that particular topic was something that people were requiring a little more information about. MPP Vernile?

Ms. Daiene Vernile: I would agree with Mr. Walker that we don't want this to linger on and on, but I would beg your indulgence just for us to have one more week, if we can return next week and be prepared to move forward on this.

The Chair (Ms. Indira Naidoo-Harris): MPP Lalonde.

Mrs. Marie-France Lalonde: I would concur with my colleague, and the only reason—I very much appreciate your point, and actually I think we see very much eye to eye on many things. But there was a comment made that you could answer regarding the education component. I read the same regarding—I think MPP French mentioned the 2011 and 2012 reports. It may be nice just to explore that and I would say maybe come back next week with that and then a decision can be rendered.

The Chair (Ms. Indira Naidoo-Harris): Okay. So we have a recommendation on the table that we come back with more information next week and make a solid recommendation to the committee then.

All those in favour? Okay. We'll come back next week and discuss the Ministry of Education issue.

All right. Regarding the issue with the Ministry of Transportation, which is regulation number 169/13: Once again, there were concerns raised about further information. Is there a recommendation on the table to get further information regarding this and perhaps consider this next week? Yes, MPP French.

Ms. Jennifer K. French: I'd be interested, rather than more information about what this means specifically—and as MPP Walker had said, I'm new to the process. So I understand that what we were talking about before is a legislative change. As this committee operates, when is it appropriate or how does it work for us to make recommendations—I don't know to whom—about, "Hey, this isn't a regulation issue; this is a legislative issue," or is it just a matter of someone from this room drops a private member's bill? If we can maybe be advised how we as a committee make recommendations for actual legislative changes that need to happen, I would value that information. Because to MPP Walker's point, in a year from now or in a month from now, we'll see not this but another

issue with the same lack of provision for rolling incorporation.

The Chair (Ms. Indira Naidoo-Harris): I've consulted with the Clerk. Thank you for your comments. She's recommending that she and the legislative researcher look into that possibility and get back to us next week with further information.

Ms. Jennifer K. French: Great.

The Chair (Ms. Indira Naidoo-Harris): I guess I'll put this to a vote again for those committee members who are here today. When it comes to regulation 169/13, all those in favour of continuing this discussion next week, raise your hands. Thank you. Motion carried.

All right. That's it. Thank you very much, everybody, for coming in. We'll meet next week and discuss some of these topics further. I appreciate your attendance.

MPP Walker?

Mr. Bill Walker: At the risk of belabouring, Chair, I just want to put on the record: None of what I've said is anything directed to legislative research or the Clerk. It's just more, I think, exactly what MPP French is saying. Most of us are relatively new, as I look across. Maybe my friend Mr. Bailey here has been around for a little bit. My frustration is just if we go around in circles and never change anything. If we're only here to do that, maybe I need a different committee. I think there is value in what we do, but let's do the actionable stuff and just explain to us how we do that. If this isn't the format, I'm okay with

that. But maybe I just didn't understand that we couldn't make those changes here as a recommendation.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP Kathryn McGarry.

Mrs. Kathryn McGarry: Thank you, MPP Walker. I believe we all feel the same way, but if we look at the work that we completed at the end of the last session, there were a number of recommendations and a number of issues that were brought forward through this process that were resolved before they came back to the committee. I'm satisfied that the work is advancing quite quickly. It was just these two outstanding that we've already got a deadline or plan to move forward to next week. I don't think any of us expect that this will linger. But I do speak to the past few weeks. Some of these issues have already been resolved and had the answer back to the satisfaction of legislative research.

Ms. Daiene Vernile: I would concur with Mrs. McGarry and say that, in the last session, I was actually quite surprised, as a new person, at the long list of regulations and bills that we managed to get through quite easily and quickly in this committee. So thanks to our Clerk's office for helping us with that.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much, MPPs. Thank you very much, committee members. We'll meet again next week. Thanks. Adjourned.

The committee adjourned at 0950.

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Standing Committee on Regulations and Private Bills

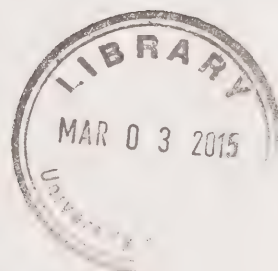
Draft report on regulations

Journal des débats (Hansard)

Mercredi 25 février 2015

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
sur les règlements



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 25 February 2015

Mercredi 25 février 2015

The committee met at 0901 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everybody. I just want to welcome you all here this morning. The Standing Committee on Regulations and Private Bills will now come to order. As you all know, we are here this morning to resume consideration of the draft report on regulations made in 2013. I trust that you've all got the revised draft report in front of you so you can look it over.

Last week, the committee agreed to postpone the consideration of the possible recommendations for further discussion and for more information. Today, we're going to resume that discussion. I'd like to start with Ministry of Education regulation 288/13, which is on page 4. I'm going to ask the research officer, Tamara Hauerstock, to go over what the discussion is about and to give us a summary of the issue again. Tamara?

Ms. Tamara Hauerstock: Good morning. This regulation, which is regulation 288/13, is found on page 4 of the revised draft report. The issue that we had raised was that the regulation was made by the Minister of Education but that when we reviewed the relevant act, it appeared that the authority to make this type of regulation went instead to the Lieutenant Governor in Council. In the revised report that we've provided, I've left the black lines in, just for ease of reading. You can see where the changes have been made. Shall I go ahead and go through the changes in the report?

The Chair (Ms. Indira Naidoo-Harris): Sure.

Ms. Tamara Hauerstock: Last week when we were here, one of the issues that was raised was with respect to the reference to the same type of issue having been raised in earlier reports of the committee. Discussion of this is midway through page 5 of the revised report. The question that was raised was, in the April 2011 and April 2012 reports when the committee raised this issue, was it with respect to the same ministry? I've put in some language here to clarify that, in fact, it was not with respect to the same ministry. We've clarified that that reference was intended to be to the issue, and not to the Ministry of Education. As you'll see, in April 2011 we raised it with respect to a regulation under the Highway Traffic Act, and in April 2012 we raised it with respect to

a regulation under the Apprenticeship and Certification Act, 1998.

If you take a look at the following paragraph, that's just a brief summary of what the representatives of the ministry told us when they appeared before us last week. They noted that they will attempt to ensure that this type of issue doesn't occur, and they also explained that most of the regulation has, in fact, been revoked. There's only one section that remains in force, so what I've done to the possible recommendation, which is in the box—the first box that you'll see here is the original recommendation; the second box is the revised recommendation. I've just tightened up the language to clarify that, in fact, it's only section 1 of the regulation that would need to be remade, since the rest of it is gone in any case.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Tamara.

I'd now like to open this up for discussion. I think the researcher has made it clear what the various issues are, and we'd like to find out what the committee members think about some of this. Is there anyone who would like to start the discussion? MPP French?

Ms. Jennifer K. French: Thank you. Just a point of clarification: I know that in the discussion last week we had talked about having them remake it or just get rid of it. We also, in a separate discussion last week, talked about what the powers of this committee, so to speak, might be. I wondered because I don't see that as a possible recommendation; even though it was a section still in force, it was a redundant section, essentially, because it was a duplicate. I don't see that recommendation here. Is that because we don't have that power?

Ms. Tamara Hauerstock: No, I think it would be open to the committee to recommend revocation of a regulation.

Ms. Jennifer K. French: I just don't know, without the recommendation here—not just the language but whether that would even be worthwhile. I don't know if one is better than the other.

The Chair (Ms. Indira Naidoo-Harris): I'm going to ask for some clarification. From what I understand, most of the portions of this regulation have moved forward already and are done, right? It's just one section that's left outstanding now?

Ms. Tamara Hauerstock: Yes, it's just the one section.

The Chair (Ms. Indira Naidoo-Harris): So, really, this is continuing to move forward. That's accurate, right?

Ms. Tamara Hauerstock: Yes, it's just the one section that remains in force. And yes, they did indicate that it was somewhat redundant. My thinking would be that, yes, it's somewhat redundant, but if they felt a need—just for clarification purposes, I imagine—to make that regulation originally, even though it doesn't in the end add that much effect, they likely may as well keep it. But it would be open to the committee to recommend that they get rid of it altogether.

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile.

Ms. Daiene Vernile: Thank you, Chair. Well, when we heard from the Ministry of Education, they did acknowledge the oversight. Really, there hasn't been what I would call a practical impact on the system with this oversight, so I think we should encourage the Ministry of Education to follow the procedural requirements, but I would recommend that we keep the regulation with an amendment.

The Chair (Ms. Indira Naidoo-Harris): Okay. Is there any further discussion of MPP Vernile's recommendation, or other suggestions? MPP Walker.

Mr. Bill Walker: I just still struggle—I think I'm with my colleague MPP French. Why would we keep something if everyone is really agreeing that it's redundant and there's no value to it? I just don't understand why we would go through that process. I struggle. It just seems to me that we're spending a lot of time and energy on something—if it's not providing value, why would we go down that path? I don't mean that in a mean-spirited way; I just don't understand why we would do that. If we can get rid of it and it's not having any harm, and it's one less regulation to have to continually come back at some point, why would we not just get rid of it?

The Chair (Ms. Indira Naidoo-Harris): Go ahead.

Ms. Tamara Hauerstock: I think that in making the recommendation and formulating it, I was attempting to address the issue of the maker of the regulation. The issue that the ministry talked about in terms of the possible redundancy of the section is another issue, but it would be an option at the end of the day to recommend that the ministry revoke.

Mr. Bill Walker: Chair, may I ask for a further point of clarification?

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Walker. Go ahead.

Mr. Bill Walker: I guess what I'm really struggling with is, I respect that you're trying to maintain that, but if it was done and we now know that there's an error, and it's a duplication and there's no value—and maybe it's my not understanding what we can do, similar to MPP French, at this committee, but I'm still struggling with why we wouldn't put that recommendation on and get rid of it. If the maker is not really objecting to getting rid of it and they believe it's redundant, the more streamlined we can make our governments, the better and the more efficiently we all operate.

0910

So I struggle that we would talk about something—you know, this is now our second meeting to talk about this. Theoretically, it could come back again, and it's a redundant piece of legislation that isn't providing value.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Walker. Just so that I'm clear—sorry. MPP McGarry, go ahead.

Mrs. Kathryn McGarry: Sorry. I certainly understand that conversation. Perhaps we can recommend and say that the regulation has been repealed and we can ask the education ministry to do better next time, and that would sort of resolve that.

The Chair (Ms. Indira Naidoo-Harris): If I can ask—it seems to me that we actually have two recommendations that are moving forward now: certainly the one that the legislative researcher suggested, and MPP Vernile. I'm wondering if we can—if I'm missing any others. But could I ask that the recommendations that are being suggested—MPP Vernile, please clarify what it is, perhaps write it out and clarify it for all of us.

Ms. Daiene Vernile: I would suggest a motion, if I could, Chair.

The Chair (Ms. Indira Naidoo-Harris): Okay.

Ms. Daiene Vernile: That the committee recommends, with respect to reg. 288/13, that the Ministry of Education make every effort going forward to adhere to the procedural requirements when establishing regulations.

The Chair (Ms. Indira Naidoo-Harris): Okay. I wonder if you could write it out for us and then I'll present it as a motion.

Ms. Daiene Vernile: Okay.

The Chair (Ms. Indira Naidoo-Harris): Thank you.

Okay. Committee members, I understand that there is a motion on the table right now from MPP Vernile.

"Section 1: The committee recommends, with respect to reg. 288/13, that the Ministry of Education make every effort going forward to adhere to the procedural requirements when establishing regulations."

Shall the recommendation carry?

Interjection: I don't understand part of it.

The Chair (Ms. Indira Naidoo-Harris): Sorry. Any discussion? My apologies. Go ahead, MPP French.

Ms. Jennifer K. French: Thank you, and it's helpful to have it in front of me.

The possible recommendations, as they are written in the draft report: One is to remake the whole regulation 288/13, and the other one is to just remake section 1 of that; it's more specific. That's what's in this draft, which is an actual action on the regulation, and whether we talk about having them revoke it or not, that would also be an action on the regulation. So fix it or get rid of it.

This is not making any recommendation about the regulation. It's just saying, "Going forward, please follow procedure in everything you do." Because this doesn't say to "remake" or "fix" or "do away with," this doesn't address the regulation. This just addresses process about "regulations such as." Is that my understanding?

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile, can you clarify?

Ms. Daiene Vernile: I'm sorry. Can you please say that again?

Ms. Jennifer K. French: I'm comparing this to the two options, as I understood them, on the table, because what's in the draft report that had been suggested by research is that we remake it or remake part of it, so fix it. Then the conversation over here has sort of been, "If it's a duplicate, then just get rid of it." So this is "fix or get rid of," whereas this doesn't actually take an action towards the regulation; this is a process issue: "In the future, if you're addressing a regulation such as this or anything else like it, please follow the rules or please follow the process." This doesn't actually specifically address the regulation on the table, unless I'm misunderstanding.

Ms. Daiene Vernile: It's being repealed, and so my suggestion is that we acknowledge that the Ministry of Education realizes that there was this oversight and, moving forward, we continue with the regulation with an amendment.

Ms. Jennifer K. French: So the "it's being repealed" piece is new. That was what MPP McGarry had mentioned. I'm not—

The Chair (Ms. Indira Naidoo-Harris): Okay, I'm just going to step into this. MPP McGarry, I know that you had your hand raised. Do you have a comment to make?

Mrs. Kathryn McGarry: That's really what I was saying. I understood, and I'm just going to ask for clarification—I felt that 288/13 was repealed and we were addressing the aftermath of what we do with that.

The Chair (Ms. Indira Naidoo-Harris): Researcher.

Ms. Tamara Hauerstock: The regulation, as it was originally made, consisted of, I think, one or possibly two lines of text and then a long table. What the ministry was noting last week was that that long table has been repealed and is gone and it's just the two or three lines of text, which we keep referring to as section 1, that remain. That section is part of the parent regulation, the original regulation, which is called O.Reg. 221/11. So it still exists in the larger regulation.

Mrs. Kathryn McGarry: That clarifies it. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you, researcher. Any other comments?

Ms. Jennifer K. French: Does this motion address the regulation or is it addressing process? If it's addressing process, is that not already included in here that they acknowledge there was an oversight? When they were here they said that, in going forward, this isn't going to happen again, because it was technical, not substantive. They already explained that. Is this just saying, "Don't do it again," and is that necessary?

The Chair (Ms. Indira Naidoo-Harris): I am going to refer to the Legislative researcher, but before we move forward, I do want to point out that this does say "with respect to reg. 288/13," so I think it is directly responding to the regulation. However, I will ask the legislative researcher for some clarification.

Ms. Tamara Hauerstock: As I read this, I don't see an obligation on the ministry to make any specific changes. It's more of a forward-looking recommendation.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Kwinter.

Mr. Monte Kwinter: My reading of it is that the regulation was made by the minister and then approved by the Lieutenant Governor in Council. What they're saying is that it should have been made by the Lieutenant Governor in Council. What they're really saying is that, in the future, let's make sure that you follow the correct procedure. But it has nothing to do with the regulation per se; it's just a matter of the methodology of getting it approved.

Ms. Tamara Hauerstock: Yes, I think that's fair to say.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: So in respect of all of the work from legislative research—I read both of yours, which are taking an action. The one that MPP Vernile has put in, I would suggest again, is more of a process: "You shall do better in future." But we're not really fixing or cleaning or doing any revision, which both of the recommendations, as I read them—that you have provided—are to take an action.

My fear is that if we just use the one of MPP Vernile's, we've again sat here last week and this week, talked about this and done absolutely nothing with it other than saying, "You shall not." Some of the explanatory notes say they've made a couple of similar errors in the past, so what faith do I have that they won't make yet another error at some point in the future? We still haven't fixed and cleaned it up.

I'm still back to: Either we get it totally out of there and the redundancies gone and we've taken an action, or why are we going through this? That's where I'm not understanding, and maybe MPPs Kwinter or Dickson, who are much more senior in their experience here, can share that, because I still get a feeling of: What are we really able to do here? If we're not going to fix things when we do a review, what's the purpose of this?

0920

The Chair (Ms. Indira Naidoo-Harris): Thank you for your comments, MPP Walker. I was just consulting with the Clerk, and she did point out that this committee really sits to have these discussions and we decide how we want to proceed: if we want to take an action, if we don't want to take an action. So it is within the purview of what the committee discusses and we decide as we move forward. But you do bring up a good point.

Are there any other comments? Yes, MPP Vernile.

Ms. Daiene Vernile: Well, in deference to Mr. Walker—and I'm not as experienced as some of the other people who are sitting here, as you pointed out—my understanding is that the regulation was repealed and, moving forward, the Ministry of Education has said that it is going to do a better job in the future. So does that give you assurances?

The Chair (Ms. Indira Naidoo-Harris): Does the legislative researcher want to comment at this point?

Ms. Tamara Hauerstock: Sure. There is still the one section of the regulation—

The Chair (Ms. Indira Naidoo-Harris): Which is the three lines?

Ms. Tamara Hauerstock: Yes, the two or three lines—which has not been repealed but which the ministry noted was “somewhat redundant”; I think that is they wording they used. So it is still there, but the actual effect of it is not that high.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker, go ahead.

Mr. Bill Walker: I was going to ask for that clarification, because I didn’t interpret it as the whole bill having been repealed. There still is a piece there, which is what we’re trying to talk about.

So may I ask just a generic question, then? If we were to put a motion on the floor to totally repeal it, is that something within the jurisdiction of this committee to do? Because if it is redundant, which they have agreed to, why would we not just get rid of it and be done?

The Chair (Ms. Indira Naidoo-Harris): As Chair, I’m going to have to step in and say we do have a motion on the floor already that we are discussing. So, as procedure dictates, we have to discuss the motion on the floor now. If you want to discuss other motions later, that would be fine, but this is the one that we’re discussing, and we’ll have to decide whether we want to proceed with this one first before we discuss other motions that may be on the floor.

Mr. Bill Walker: And is this MPP Vernile’s motion that we’re now—just so we’re clear on which one.

The Chair (Ms. Indira Naidoo-Harris): Yes. The one that was handed out on the piece of paper here.

Is there further discussion of this motion that is on the floor right now? MPP French.

Ms. Jennifer K. French: I don’t have a problem with the concept: In going forward, make sure you adhere to the guidelines or whatever. That’s great. But if we pass this motion, does it somehow take the other recommendations off the table? I don’t know what trumps what here. So if we pass this, does it mean that the conversation is finished and we can’t action to fix or repeal?

The Chair (Ms. Indira Naidoo-Harris): My understanding is, if we move forward with this motion, then that means this will go to a vote: “Will this recommendation carry?” And that means we move on to the next item on the agenda.

Ms. Jennifer K. French: So this motion would trump the recommendations made by research and we can’t discuss? Because if this is based on an assumption or an understanding that the whole thing was repealed and in fact it hasn’t been—

The Chair (Ms. Indira Naidoo-Harris): Sorry, MPP French.

Ms. Jennifer K. French: If this is based on the understanding that the whole regulation has been repealed when in fact, as we’ve had clarified, there is still

a section 1 that has not been repealed, then does MPP Vernile still want to put this forward as a replacement for the recommendations made by research?

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: Thank you. I’m actually satisfied with it. I certainly understand the confusion, because it is confusing for those of us who haven’t dealt with it before.

To my way of understanding, in light of the conversations we had last week with the Ministry of Education, the part of the regulation that’s still on the books is redundant because they’ve moved forward with full-day kindergarten. So that part of the regulation has already been replaced by something else as we’ve moved forward with that.

So for me, I’m quite satisfied at this point that, even though section 1 of the regulation will remain on the books, the Ministry of Education has replaced that, as we’ve moved forward with full-day kindergarten.

We will entreat them, and I’m sure they’re well aware, now that they’ve had to make these submissions and come forward—I’m quite satisfied that they will check that process twice next time. In reference to MPP Kwinter’s comment, I’m quite sure they’ll look to make sure that when they roll out a regulation next time, they do it in the proper order. So I’m quite satisfied with this motion.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP McGarry. Any further discussion, then, of this recommendation by MPP Vernile? Are you ready to vote? If you’re ready to vote, let’s put it forward, then.

Shall the recommendation carry, which is worded, “The committee recommends, with respect to reg. 288/13, that the Ministry of Education make every effort going forward to adhere to the procedural requirements when establishing regulations”? All those in favour? All those opposed? We have five in favour, one opposed. It’s carried.

Interjections.

The Chair (Ms. Indira Naidoo-Harris): Just to make sure that we’re all on the same page—I want to make sure that we all understand that this is the recommendation that we’ve just passed. We will move forward on to the next discussion. Is that accurate, in terms of committee members, or is there further discussion? Yes, MPP French?

Ms. Jennifer K. French: Just for my clarification: The possible recommendations as put forward by research on taking action for this specific regulation have just been rendered null and void by a recommendation.

The Chair (Ms. Indira Naidoo-Harris): The Clerk is advising that, if we want to, we could go through these recommendations that are on the table, just to be clear, and have a further vote on them, if that’s what you’d like, MPP French.

Ms. Jennifer K. French: I guess I wonder if there’s any—I respect that research has made recommendations to take an action to fix the regulation, so what we have

passed does not take an action on the regulation. It just sits marginally or slightly redundant on their books and doesn't get touched, because we've said, "Just don't do it again," but we aren't addressing the regulation specifically. As the original conversation about, "Should we have them revoke it?"—that's obviously not a topic for discussion. But can the recommendations by research be a topic of discussion?

The Chair (Ms. Indira Naidoo-Harris): This recommendation doesn't necessarily replace these. We can still discuss these further recommendations on—

Ms. Jennifer K. French: That was my earlier question. I misunderstood. I thought it just rendered it null and void.

The Chair (Ms. Indira Naidoo-Harris): The Clerk has clarified, so these other two possible recommendations are still up for discussion. We can discuss further, and we can hold a vote on them, if you would like.

Is there further discussion wanted on the possible recommendation that the committee recommends that the Ministry of Education remake regulation 288/13 under the Education Act? Do we want further discussion of this? We've had some discussion about this already, but is further discussion desired? Yes, MPP Walker?

Mr. Bill Walker: If we were to accept your revised recommendation from legislative research, would that put the bill back in proper compliance? It would fix the bill so that this does not return to us in another further review, whether that be a year down the road or three years down the road, suggesting—because your job, I believe, if I understand it correctly, is to review, to ensure that everything is accurate and done according to what was expected. So if we don't accept one of your recommendations, this bill, in my mind, using my terminology, is going to be in non-compliance, and it could come back to this committee for discussion yet again.

Ms. Tamara Hauerstock: If the ministry corrected or remade the regulation, it would address the issue that we've raised so that it would not be raised with respect to this matter by us again. I would note that, in practice, the way that we review regulations is on an annual basis, although all regulations do stand permanently referred to the committee. So we could go back and look at any regulation at any time. In practice, we review the annual regulations generally.

0930

Mr. Bill Walker: But if we go forward today and do nothing more than that motion by MPP Vernile, this is still an outstanding item that somewhere in your annual review is going to come back again.

Ms. Tamara Hauerstock: It's unlikely that it would be raised again, simply because, in general, we review the annual regulations. In other words, since this was a 2013 regulation, in general, we don't go back and look at prior years again.

The Chair (Ms. Indira Naidoo-Harris): I believe what the legislative researcher is saying is that once we have dealt with the year 2013 report, which is what the committee is examining now—once we're done with this report and move it forward, that's done. Is that accurate?

Ms. Tamara Hauerstock: Yes.

Mr. Bill Walker: I think the struggle I'm having, Chair, is that the legislative researcher did the review and brought it to our attention that there is something that is in error. If we don't do anything with it, it remains in error. Then it's a futile waste of time for us all to sit here because we've done nothing with something that she's identified as being outstanding and in error. I think that's partly what MPP French and I are saying. We have recommendations. We at least should be taking one of her recommendations to clean this up so that we can all leave here with good conscience that we've made and addressed an error.

The Chair (Ms. Indira Naidoo-Harris): Perhaps, I think, what committee may need—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile, one second—and perhaps this is something that the researcher does need to clarify: What does the re-making of a regulation entail and what kind of ramifications and impact does it have? In terms of process, because that's what the first recommendation is. Right?

Ms. Tamara Hauerstock: In terms of the internal process for a ministry to make a recommendation, I am actually not too familiar with that. The impact of the regulation—because the ministry has indicated that the remaining section is somewhat redundant, I think the impact would likely be small.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP Vernile?

Ms. Daiene Vernile: I would agree with you, Mr. Walker, that we don't want any more time-wasting on this particular issue. The Ministry of Education, though, has told us that they've acknowledged the issue. They're moving forward. I think we should, too. Full-day kindergarten has rolled out, so the likelihood that we are going to revisit this—and I would ask our legislative researcher to speak to this. What are the chances that we are going to revisit this regulation, considering that full-day kindergarten has occurred?

Ms. Tamara Hauerstock: Revisiting this particular regulation, 288/13, would be unlikely because, as I was noting earlier, we review the regulations annually. Now that we are ending our review of the 2013 regulations, we move on to 2014, 2015 etc. Since this is a 2013 regulation, we generally wouldn't go back to look at it further.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: Thank you for that answer; actually, that was my question. To MPP Walker's comments: I would agree with you. If this regulation was now not redundant and replaced by something else, I would have your concern with moving forward and potentially looking at trying to rewrite it or bring it back. The only reason I would recommend that we just leave it as is now is simply because it's redundant and it's not going to be in use anymore. As I said, if it was something that was still going to be on the books and still is current legislation, then I would agree with you. We would want

to move forward to ensure that that is on the books more accurately. It's only because this is now redundant in the legislation of 2015 that I'm quite comfortable just to let it go this time.

The Chair (Ms. Indira Naidoo-Harris): MPP Kwinter.

Mr. Monte Kwinter: I just want to get back to my earlier point. No one is questioning the content of the regulation. I'm just questioning the procedure and that the minister brought it forward and subsequently it was approved by the Lieutenant Governor in Council. In their review, they said, "That is not the way it should be done; it should be brought forward by the Lieutenant Governor in Council." All we're really saying is, "Follow the correct procedure, and make sure you don't do that again because it wasn't done appropriately."

No one is questioning the content. That has gone by. This is just a signal to say, "In the future, follow the procedure that is proper." That's what this amendment calls for.

The Chair (Ms. Indira Naidoo-Harris): Further discussion of this possible recommendation? Shall we put it to a vote, just to be clear, or are you—MPP French, do you have anything further you'd like to add?

Ms. Jennifer K. French: If we were putting it to a vote, the revised possible recommendation that is section 1-specific seems a little tighter than the other. So that would be my druthers, but I won't suspect it will go to a vote.

The Chair (Ms. Indira Naidoo-Harris): MPP French is suggesting that we actually look at revised recommendation number 2, which is on the bottom. Possible recommendation: The committee recommends that the Ministry of Education remake section 1 of regulation 288/13 under the Education Act.

Would the committee like to proceed with a vote on this? Yes. Okay, let's proceed. All those in favour of the revised recommendation, please raise your hands. All those opposed?

Hands, please. Opposed to the revised recommendation? I see just two hands up.

Mrs. Kathryn McGarry: Could it be read out?

The Chair (Ms. Indira Naidoo-Harris): Sure. I'm sorry. I'll read it out again. Apparently there's some confusion.

We are putting to the vote the revised possible recommendation—not the one that MPP Vernile brought up, but the revised possible recommendation that the committee recommends that the Ministry of Education remake section 1 of regulation 288/13 under the Education Act.

Once again, all those in favour of the possible revised recommendation? Those who are in favour—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Oh, I'm sorry. And those opposed?

Mr. Joe Dickson: Recorded vote, please?

Mrs. Kathryn McGarry: May I request a recess, please? Ten minutes.

The Chair (Ms. Indira Naidoo-Harris): MPP Anderson?

Mr. Granville Anderson: Okay. If we didn't oppose this, would it have to come back?

Mr. Bill Walker: No.

Mr. Granville Anderson: That's my understanding: that it's not coming back.

The Chair (Ms. Indira Naidoo-Harris): I think what we have to move forward with here is, the Clerk has advised me that we did do an actual count of this. The possible recommendation was voted on here: The committee recommends that the Ministry of Education remake section 1 of regulation 288/13 under the Education Act. That recommendation will carry.

Ms. Daiene Vernile: But we asked for a recess, Chair. *Interjection.*

The Chair (Ms. Indira Naidoo-Harris): We can't have another count. We've already had—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Yes.

Ms. Daiene Vernile: Chair, we had some people voting who, I believe, were not clear on what you were putting forward, and it would seem unfair that you would keep and record that vote when there was not a clear understanding of what was being put forward.

The Chair (Ms. Indira Naidoo-Harris): I think we should call a recess. Let's call a recess, please. It seems that there is a little confusion about the two recommendations that were on the table, so let's call a recess—five minutes.

The committee recessed from 0940 to 0956.

The Chair (Ms. Indira Naidoo-Harris): We are back. I think it's fair that the committee members all understand where we are with this. So, just ensuring that the committee members understand what just took place, I want all of the committee members to be aware that apparently some committee members were not aware that we were looking at the revised recommendation on page 5 when we took the vote. That was where the confusion was.

Having said that, we did do it twice, and we did go through the process the way it should have gone. So I think that the vote should stand, and I'm going to have the vote stand. In the future, I think we need to be clear about what it is that we're discussing and ensure that we are on the right page and looking at the actual recommendations.

This was the draft report recommendations that are featured, and it was read twice and the vote was taken twice. As Chair, I think I have to make a decision, and the decision is to let it stand.

So, we have MPP Vernile's initial recommendation, which moved forward and has passed. Also, the revised possible recommendation featured on page 5, which we took a vote on, was passed and is being moved forward.

The Clerk—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Pardon me?

Ms. Tamara Hauerstock: Researcher.

The Chair (Ms. Indira Naidoo-Harris): The researcher can now explain the process, so that committee members are aware of what happens, since we've gone to recommendation number 2.

Ms. Tamara Hauerstock: From our perspective, once the report is finalized, I believe it's the practice to send a letter to all ministries affected by recommendations in the report—

Interjection.

Ms. Tamara Hauerstock: You can't hear?

Ms. Jennifer K. French: Just a little louder, please.

Ms. Tamara Hauerstock: Sure. I believe it's the practice of the committee to send a copy of the report to all ministries affected, as well as a covering letter indicating to the ministry that there is a reference to them in the report. Then it's for the ministry to determine its next steps.

The Chair (Ms. Indira Naidoo-Harris): Thank you.

We're going to move forward with our committee considerations.

Item number 2 is the Ministry of Transportation regulation 169/13, on page 8. I would like to ask the legislative researcher, Ms. Hauerstock, to go over the issue again, and the revisions she has made.

Ms. Tamara Hauerstock: Okay. We're looking at page 8 of the revised draft report. The regulation in question is O.Reg. 169/13. As we discussed last week, it's a regulation amending the regulation that deals with school buses.

The issue we raised with the ministry had to do with incorporation by reference. That's a drafting technique whereby a document that exists outside the regulation is referred to by the regulation and in that way is brought—

Mr. Joe Dickson: On a point of order, Madam Chair, is there any way we can turn up the sound? I've heard it from the other side—

Ms. Tamara Hauerstock: Oh, I'm sorry. I have a cold. I'm having a hard time talking.

The issue that we raised with the ministry had to do with incorporation by reference, and that is where an outside document is incorporated into the regulation. In other words, it's brought into the regulation by referring to it. So it becomes a part of the regulation, even though it exists on the outside.

In this case, it was a standard developed by the Canadian Standards Association having to do with school buses which was brought in. What the Legislation Act tells us is that when this is done in this type of situation, unless the act permits it, the method of incorporation should be what we call static. That means that once the regulation is made, if the outside document—the standard—is changed at a later date, those changes don't get automatically inserted into the regulation. In other words, it's the standard as it existed on the day that the regulation—which continues.

There's another way of doing this called rolling incorporation, and that means that later changes to the outside documents would automatically be imported into the regulation.

In this case, when the ministry made the regulation, they used rolling incorporation. As the school bus standard changes, the regulation would, in effect, incorporate those changes.

When we looked at the Highway Traffic Act, we did not see express authority for rolling incorporation. In other words, we raised the issue that we believed that the incorporation by reference ought to have been done on a static basis.

If you look at page 9 of the draft report, the black-lined paragraph midway through the page, it's just a brief summary of what the ministry representative told us when he appeared before us last week. He indicated that the ministry's view is that rolling incorporation is impliedly permitted, given the nature of the act, the subject matter and the standard maker, which is the Canadian Standards Association.

What we have underneath that paragraph is, in effect, three options for the committee. The first box is the original possible recommendation, which is that the ministry amend the regulation to comply with the rules about incorporation by reference. The second box is a revised possible recommendation, which is that the ministry take steps to bring forward a bill to amend the Highway Traffic Act to ensure that the regulation complies with the requirements of the Legislation Act. So that would mean changing the act to expressly permit what the ministry has indicated is already impliedly permitted. The third paragraph, which is not inside a box, which is another option, that the committee take note of this issue but not make recommendations at this time, if that's what the committee chooses.

The Chair (Ms. Indira Naidoo-Harris): I'm going to open up discussion. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much, Chair. I certainly appreciate the researcher's commentary.

As PA to transportation, I know how important it is to ensure that we have up-to-date standards, particularly with our school buses, that happen right away when legislative or regulatory changes happen. Certainly the Canadian safety association is one of those agencies that leads many ministries across the country in up-to-date standards for school buses. It is certainly implied and has been for a long time in the Ministry of Transportation to ensure that these are rolling standards and they're adopted right away.

What concerns me greatly—I have several children still on school buses—is that if indeed we send this back to try to use staff time to make another legislative change, go back to cabinet, we're a year out. In that year, there may be some vital components to school bus safety that we would not be able to adopt because we've held that process up, and I'm very uncomfortable with this.

The Ministry of Transportation has long used the Canadian standards for school buses, has implied rolling legislation—sorry, rolling regulations; I'll get it right. I think that we should leave it as is. I would recommend that the Ministry of Transportation keep regulation 169/13 as written. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further discussion?

Ms. Jennifer K. French: I certainly would echo MPP McGarry's point that we need to have our safety standards current and our buses in compliance with whatever new recommendations are out there.

However, something that was interesting in the conversation last week, when the ministry came and presented to us, was that this concept of rolling incorporation is not provided for in legislation. So, as he said, it's that the ministry interprets it differently than research and than this committee was interpreting it. So the revised possible recommendation of suggesting that the Ministry of Transportation take steps to bring forward a bill that is going to amend the Highway Traffic Act to ensure that they comply—this second recommendation addresses what we talked about last time, which is this static incorporation versus rolling incorporation, that rolling incorporation, as it stands now, is not—it doesn't exist. It's their interpretation.

This is what prompted the question that we had put to research last week about, can you tell us what we can and can't recommend, what the powers of this committee are, because if we can suggest to ministries that they bring forward a bill to address the fundamental issue in the act, that sounds great. I don't know why we wouldn't take the opportunity to suggest that we fix the actual problem.

As MPP McGarry said, they are interpreting—well, she didn't say this, but they're interpreting it now, and they are following the practice of rolling incorporation, which is fine and what we want, but don't we want to actually fix the problem so that they can, in good conscience, continue to follow rolling incorporation?

The Chair (Ms. Indira Naidoo-Harris): MPP Walker first.

Mr. Bill Walker: Thank you. I just want to clarify, because I think I'm kind of in the middle with where my colleague Ms. French is. If we accept recommendation 2 from legislative research—

Mrs. Kathryn McGarry: Could you please identify what option 2 is?

Mr. Bill Walker: Sorry. Option 2 is to bring forward a bill. So if they're bringing forward a bill, does that stop anything from happening the way it currently is? Because we're not changing anything until that bill would be adopted. So they're still going to use the existing legislation the way it is. They will utilize their interpretation, which means it is really rolling forward. The new bill would actually put it in black and white, that they had the ability to address and have the rolling-forward option. So the current legislation doesn't change if they're moving forward to bring a bill to us.

The Chair (Ms. Indira Naidoo-Harris): Before we move forward, I want to just make sure we all are clear on what we're discussing. I will go to the legislative researcher in a minute, but, if I understand correctly, MPP French and MPP Walker are talking about possible recommendation 2—

Mr. Bill Walker: Revised, yes.

The Chair (Ms. Indira Naidoo-Harris): —which is the revised possible recommendation: “The committee recommends that the Ministry of Transportation take steps to bring forward a bill to amend the Highway Traffic Act to ensure that reg. 612 of R.R.O. 1990 complies with the requirements of s. 62 of the Legislation Act, 2006.”

Mr. Bill Walker: Correct.

The Chair (Ms. Indira Naidoo-Harris): But also to clarify, MPP McGarry first suggested, and I believe, MPP McGarry—does actually what I'm calling option 3 relate to what you're saying? So what you moved forward initially was possible closing paragraph if the committee does not—“The committee has taken note of this issue but makes no recommendation” at all. That's the one that you're discussing, right?

Mrs. Kathryn McGarry: That's correct.

The Chair (Ms. Indira Naidoo-Harris): Okay. So just so we all know what's on the table before we move forward, I'm going to go to the legislative researcher to clarify your question, MPP Walker.

1010

Ms. Tamara Hauerstock: With respect to that second recommendation, the one that's titled “(Revised) Possible Recommendation,” it is my understanding that the regulation as it stands would continue to exist in the way that it exists, and the bill, if it were taken forward, would effectively correct a gap in the act. It would make express something that the ministry has told us is already implied; it is already their understanding that that is the way that it's appropriate for them to be doing this. It would just be making it extremely clear—

Mr. Bill Walker: Black and white.

Ms. Tamara Hauerstock: Black and white; express.

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile?

Ms. Daiene Vernile: I just wanted to add to what the legislative researcher just said and also the representative from the Ministry of Transportation who spoke to us last week, who did say that rolling incorporation is implied, so underscore “implied.” That being the case, do we really need to look at this act and change it? It sounds like it's fine just the way it is, and like Mr. Walker said earlier, he wants us to stop wasting time.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: Just so I'm clear: On page 9, when we're talking about the recommendations, the first one is: Tell them to fix it and thereby go to static incorporation, which I'm understanding no one in this room thinks is a good idea.

Skipping to option 3 is, “Don't do anything; all is well; leave it alone.” Option 2 is, “Don't make any changes because all is well; it will continue doing what it's doing; leave it alone; but we're going to make the recommendation that you look at”—because it says “recommends that the Ministry of Transportation take steps to bring forward a bill.”

So we're not saying they have to; we have no power to say "Thou shalt." We are saying, "We recommend," so that this doesn't come up in future, so that "rolling incorporation," which we all agree is the best practice for safety, to fix the actual piece in the Highway Traffic Act, so that someone on the government side can bring forward a bill that says, "Hey, we've found a loophole; let's close it." That's my understanding of option 2.

I don't understand why making a recommendation to fix a behind-the-scenes problem in the Highway Traffic Act—I don't understand why we wouldn't take that option to suggest, "Hey, we found a problem. Might we suggest that you fix it?" I guess I'm going to need that explained to me if we're going to pick option 3, which says, "Let's do nothing and pretend it never happened."

The Chair (Ms. Indira Naidoo-Harris): I'd like to remind the committee that we have about three minutes left. I would like to find out how you would like to proceed.

We have three options on the table. If you want, we can put all three to a vote and move forward from there, if the committee is open to doing that. If you'd like further discussion, we can have further discussion.

Yes, MPP Dickson.

Mr. Joe Dickson: I'd just like to clear the air on a couple of things. Number 1: Is there any reason we're not getting hard copies, if you say you've got three motions? They're scribbled in here. I've written down "1, 2, 3," and we can do all that, but the proper format is to circulate hard copies.

Part 2, Madam Chair, is, I did ask a question of the Clerk. When it comes to a recorded vote, even though there's a hand vote taken, immediately on the end of that, to my 30 or 40 years in all levels of government, a recorded-vote request means you take a recorded vote at that point in time. I ask for clarification of that.

The Chair (Ms. Indira Naidoo-Harris): I'm going to ask the Clerk to refer to that question.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Because the Chair has already called the—

Mr. Joe Dickson: I'm sorry, I can't hear you.

The Clerk of the Committee (Ms. Valerie Quioc Lim): The Chair has already called a vote of all those in favour and the votes have been counted. A recorded vote should be called before the question: The Chair has asked, "Are we ready to vote?" A recorded vote could be requested at that time, and a recess as well.

In this case, the Chair did already take the vote twice, the first time understanding that there was some confusion. But the request for a recorded vote came when the votes in favour had already been counted. The request for a recorded vote has to come before the question, when the Chair says, "Are we ready?"

Mr. Joe Dickson: I'll just leave it with you to resolve, but I asked the question and I didn't get an answer. It's either yes or no.

Once a vote has been taken, as long as it's immediately said, "Recorded vote," a recorded vote has to be taken at that point in time. So if you can just do a clarification of that. Maybe Queen's Park operates differently than other levels of government.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Dickson. Just so you know, I did ask for clarification myself from the Clerk, and I understood that the recorded-vote request had to come before the vote was taken.

Mr. Joe Dickson: That's not so, but I'd like her to—

The Chair (Ms. Indira Naidoo-Harris): I take my advice from the Clerk.

Mr. Joe Dickson: If she could provide something in writing to that.

The Chair (Ms. Indira Naidoo-Harris): Thank you. There was another question, though, that you had, MPP Dickson, which was about having these delivered to you in paper, if it was a motion.

Mr. Joe Dickson: Yes.

The Chair (Ms. Indira Naidoo-Harris): Clerk, do you want to clarify that?

The Clerk of the Committee (Ms. Valerie Quioc Lim): It is on the draft report in front of you, on page 9. So it's not a motion but recommendations that are proposed in front of you so that—

Mr. Joe Dickson: This is what you're talking about?

The Clerk of the Committee (Ms. Valerie Quioc Lim): Yes, that's right.

The Chair (Ms. Indira Naidoo-Harris): Okay? All right. Is there further discussion?

Mr. Monte Kwinter: Madam Chair?

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Kwinter?

Mr. Monte Kwinter: In my copy, page 9 has nothing to do with what we're talking about. In my copy, it has to do with the Grain Act.

Mr. Joe Dickson: It looks like they've done a rerun. It's actually page 10 which MPP Kwinter—

Ms. Jennifer K. French: No, it's page 9 of the draft report.

Mrs. Kathryn McGarry: His page 9 does not reflect that.

Mr. Joe Dickson: His is different.

Interjections.

The Chair (Ms. Indira Naidoo-Harris): The time is 10:20. Given the time, I'm going to propose that we adjourn for now and pick this discussion up next week. Is everyone okay with that? Okay. Thank you.

The committee adjourned at 1016.

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Standing Committee on Regulations and Private Bills

Draft report on regulations

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
sur les règlements



Chair: Indira Naidoo-Harris
Clerk: Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 4 March 2015

Mercredi 4 mars 2015

The committee met at 0905 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. It's good to see everyone here. The Standing Committee on Regulations and Private Bills will now come to order.

We are here today to resume consideration of the draft report on regulations made in 2013. You should all have a copy of that draft report. Please note that this is draft number 3 that should be in front of you.

Today we are looking at the Ministry of Transportation, regulation 169/13 on page 8. If all of you will turn to page 8. Just make sure you're on the right pages. Again, it's the Ministry of Transportation, regulation 169/13 on page 8.

As you will see before you, there are three possible recommendations. I'm going to ask Tamara Hauerstock, our legislative researcher, to go over the issue again and to walk all of us through the options that are presented in the report.

Ms. Tamara Hauerstock: Good morning. Again, we are on page 8 of draft 3. This is a regulation made under the Highway Traffic Act. It's O. Reg. 169/13, and it falls under the Ministry of Transportation.

This regulation relates to school buses. What the regulation in question did was incorporate an outside standard by reference. It did not have the words of the standard in the regulation itself. It referred to them and brought the standard into the regulation in a drafting technique that we call incorporation by reference.

Under the Legislation Act, when this is done, the outside document is brought into the regulation as it stands on the day the regulation is made. This is known as static incorporation. The regulation that we commented on did not incorporate it in a static manner. It incorporated it including changes to be made in the future. This is known as rolling incorporation. Under the Legislation Act, when this is done, the act in question—in this case, the Highway Traffic Act—is required to specifically permit that.

When we wrote to the Ministry of Transportation, we noted this problem. We reported on it in the first draft of this report and the committee invited a representative of the ministry to provide us with more information. If you

look at page 9 of the report, the underlined paragraph, the black-lined paragraph, just summarizes briefly what the ministry told us. They indicated that the ministry's view is that rolling incorporation is impliedly permitted given the nature of the act, the subject matter and the Canadian Standards Association as the standard-maker.

What we have now, immediately following that paragraph, are three possibilities for the committee's consideration. Looking at possible recommendation number 1, that would be that the committee recommend that the Ministry of Transportation take steps to amend the regulation to comply with the requirements of the Legislation Act.

The next recommendation, recommendation number 2, would be that the committee recommend that the ministry take steps to bring forward a bill to amend the Highway Traffic Act to ensure that the regulation complies with the requirements of the Legislation Act—in other words, that the Highway Traffic Act be amended to expressly allow for the rolling incorporation of this type of document. Although the ministry has told us that it's implied, this would make it express, clearer.

The third possibility, which is not a recommendation but an observation, would be that the committee takes note of the issue, but does not make a recommendation at this time.

0910

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you, Tamara.

So we have three options on the table, and I think the best way to proceed here is to discuss each of them individually. I want to make sure there's no confusion about which options we are discussing and what's on the table. Does everybody with agree with that possible route, that we'll just start out by discussing each of the three options? Okay?

MPP French.

Ms. Jennifer K. French: Just sort of hearkening back to the previous debates on this, when we're looking at possible recommendation 1 as compared to 2, so I can remember exactly what we're talking about here, when the ministry came and talked to us, they said that they interpreted this to allow them to have rolling incorporation in terms of this incorporation by reference. But the reason this even comes before us as a question is because we don't see it as—it's static incorporation. So as the

conversation happened before, the ministry said that it would have to go before the court to decide whether it was static or rolling, actually. Is that correct? Do you remember that conversation?

The Chair (Ms. Indira Naidoo-Harris): Can I ask the legislative researcher? Go ahead, Tamara.

Ms. Tamara Hauerstock: I don't remember them saying that specifically, but I believe what they may have been referring to was that, in their view, it is implied in the Highway Traffic Act, but until a court makes that specific determination, there are different ways of interpreting it.

Ms. Jennifer K. French: Right. Okay. So we've got a section of the Highway Traffic Act. Is that right in this case, or—that it can be interpreted one of two ways?

Ms. Tamara Hauerstock: Yes. What the ministry told us was that although the act does not specifically state, "Ministry, you may incorporate outside standards, as amended, from time to time," the ministry believes, given the circumstances, the topic, the fact that the Canadian Standards Association is the body that made the standard, that in this circumstance, what they have done is permissible.

Ms. Jennifer K. French: Okay. And—

The Chair (Ms. Indira Naidoo-Harris): If I may just also interject here, just bring us up to speed in terms of memory, but clarify—I understood that this has occurred before, this rolling incorporation.

Ms. Jennifer K. French: I can't hear you.

The Chair (Ms. Indira Naidoo-Harris): I'm just saying that I understood that the rolling incorporation and this particular thing had occurred before. Is that correct, Tamara?

Ms. Tamara Hauerstock: In this regulation?

The Chair (Ms. Indira Naidoo-Harris): Yes.

Ms. Tamara Hauerstock: I'm not sure.

The Chair (Ms. Indira Naidoo-Harris): Okay.

Ms. Jennifer K. French: I think—not to speak for others in the room, but my feeling over the past couple of debates is that we all agree that rolling incorporation that allows for a constant update as the standards change is the safest way of doing business when we're talking about our buses and our kids, so that we all—we know that rolling incorporation would be the best option.

So what we had talked about before—back to possible recommendation 1, which says that if we followed this, it would be a matter of telling them they have to stick to static incorporation or static reference or whatever it's called and that it can't be regularly updated, that would sort of be contrary to what their recommendations were, and our understanding of what's best practice and safest. Is that—

Ms. Tamara Hauerstock: What the ministry told us was that if they stuck to the static method of incorporation, each and every time that the outside standard was changed or updated, they would be in a situation where they would have to update their regulation.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you, MPP French. MPP Hillier.

Mr. Randy Hillier: Thank you very much, Chair. I think this is pretty commonplace with outside documents being referenced and that rolling incorporation just makes for life to be easier for everyone.

I think the important thing here is you want to have clarity in our laws so that there is no confusion for those people who may need to have a judge or an adjudicative body make a determination. So I think it's pretty clear that for now and for the future—because we know that these standards will continually evolve, and let's not jeopardize the public—we recommend the legislation be altered to expressly grant the statutory authority to include that rolling mechanism.

Number 2 would be the way to dispense with this: Recommend to the ministry that they be given express statutory authority to do this so that the laws would never have to be subject to a judicial review and interpretation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Hillier. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much, through you, Chair. Certainly I think we all, around this table, recognize that school bus safety and incorporating regulations in a very quick manner once they are made by the Canadian Standards Association is paramount to our children's safety. All of my children have been bused to and from school for many, many years—decades, in fact—and this is very, very important.

From what I understand, when there is an outside agency—much like the member across the way has suggested—the Canadian Standards Association as an outside body keeps updating the regulations. The way that it's written right now, this is implied explicitly for this particular regulation on school buses and it allows us to update that regulation immediately.

My extreme discomfort over sending it back to be reworded is that each and every time one of these regulations takes place, it's about a year's delay until it's actually passed, and that's unacceptable. For myself, both options—recommendations 1 and 2—are not going to be acceptable; option 3 is.

I don't want to see a delay of any time; I still have children riding the bus. I do know that the Canadian Standards Association is the outside agency that the Ministry of Transportation has been working with for many, many years. I don't see an issue right now; we've not had an issue to date. It's explicitly implied that these regulations will be adopted in rolling incorporation, and the MTO has many such agencies that do add into our regulations.

I do not want to see a delay by a year by having to adopt new wording. Anyway, that's my two cents' worth.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP McGarry. MPP Hillier.

Mr. Randy Hillier: Actually, I don't think you quite understand what is happening here. Recommendation 2 would expressly grant authority for that change without coming back to the Legislature. It would be express statutory authority, not inferred, not implied. It would be expressed so that as soon as a standard altered, an outside

document altered, the regulation is automatically updated. So there is no delay under recommendation 2.

I think the important part to understand here is to bring clarity if the matter is ever adjudicated by either a tribunal or by a court. This is not just about school buses; this is about any outside reference standard, so the court does not have to come back and make a determination if the authority was implied or inferred, or if it carries weight. Recommendation 2 tells the court that it is the desire of the Legislature that we grant this continuing authority.

If your argument is that you don't want to have a delay in having those standards incorporated in the regulations, then recommendation 2 is the only one that satisfies your objective.

0920

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Hillier. MPP Walker, I believe, and then MPP French, and then back—

Mr. Bill Walker: Yes. I just want to continue where my colleague—I think my concern with what I heard from Ms. McGarry is that there's not going to be anything there. Maybe legislative research can clarify if I'm wrong, but if they take this as a recommendation and they work on it, if it was to take a year, the existing regulation stays in place until this one would change it. So I don't know what the big concern would be, and I'm not certain why any member of this committee would not want to make an improvement that has been recommended to us. All of the government is going to look bad if there's something that's implied or inferred but at the end of the day we had the ability to change it so that no one was in non-compliance. I firmly believe number 2 is the way we need to go. It cuts the administrative bureaucracy down the road and it puts us back in compliance with what is expressly worded in the legislation, as opposed to the potential of an interpretation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Walker. MPP French.

Ms. Jennifer K. French: Thank you. When there's the opportunity to interpret—while in this case it's a positive interpretation that we all agree is for the benefit of all, next time that's not a guarantee, because there could be a situation where they don't want to keep up with the standards because it's cumbersome and there's nothing that says they have to.

When you're dealing with "implied" and "interpreted," that makes me extremely uncomfortable. I think as a committee, and certainly as research, it's been pointed out that there's a spot here where it isn't concrete, it isn't definite. We have found—I'm going to use the term "loophole," but we have the opportunity here to make a recommendation to the Ministry of Transportation to, as it says here, "take steps to bring forward a bill" that is going to fix the problem. It's going to go to the actual Highway Traffic Act and say, "This needs to be tightened up or allow for rolling incorporation so that this regulation 612 of R.R.O. 1990 complies with that."

My understanding is, and please clarify, that with recommendation number 2 we're not sending the regulation

back saying, "Fix it. Make it comply with what's current." What we're saying is, "Hey, take a look at this section here that can be tightened up for future reference and would allow for this current regulation that we're already allowing to continue to be in compliance going forward." Is that a correct interpretation?

The Chair (Ms. Indira Naidoo-Harris): Tamara Hauerstock.

Ms. Tamara Hauerstock: Recommendation number 2 would not touch the regulation. What it would do is recommend that the act itself be amended to expressly permit the rolling incorporation. So it would make express what the ministry has already told us is impliedly permitted and it would make that clear.

Ms. Jennifer K. French: If I can just finish that point—thank you—I would like to go on record as saying I value this report and I have appreciated research's input and guidance, because, as I've said before, I'm new to this and learning. But I also want to go on record as saying I'd like to be a part of a committee that when we identify something to fix, we actually take the initiative to solve that problem. I know what we had seen the last time with the suggested motion that gave a slap on the wrist and a suggestion of "Please, going forward" rather than fixing a problem. I don't want that to be the constant—the constant path forward here is to recommend that they don't do it again next time. I'd like to actually be part of a committee that solves problems and takes recommendations from research as we have the opportunity. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. I'm going to go to MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much, Chair. Again, I do want to point out that the Canadian Standards Association and MTO are in contact a lot, and any regulations that come through regarding school bus safety go through MTO right away.

I'm quite comfortable with the fact that this is done in MTO a lot of times. The Highway Traffic Act is very complex. To my colleague's comment, I do understand the issues and am very comfortable with leaving the recommendation as it is.

Rolling incorporation is, again, utilized frequently. It's explicitly implied in this particular regulation. So I would like to now call the vote, Chair, if I may.

Mr. Randy Hillier: No, Chair, I have a comment.

The Chair (Ms. Indira Naidoo-Harris): I'm sorry, but MPP McGarry has the floor and then MPP Lalonde. We're going to go in order of people's requests.

Still more discussion, MPP McGarry?

Mrs. Kathryn McGarry: Yes. May I call the motion?

The Chair (Ms. Indira Naidoo-Harris): I think we need a little more discussion, MPP McGarry.

Mrs. Kathryn McGarry: All right. Put me back on the list, then. Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP Lalonde.

Mrs. Marie-France Lalonde: Well, I've been in and out of this committee, and I do agree with my colleague

in terms of—Mrs. McGarry, when you talk about clarity and ensuring the safety of our children, from the recommendation of the transportation ministry when they came, the implied notion makes it way safer. So when I look at the Canadian Standards Association and our relationship with them, I do believe that ensuring the safety of our kids is what we want in this committee, and making sure that it is done as quickly as possible. I also feel very comfortable myself with recommendation number 3.

The Chair (Ms. Indira Naidoo-Harris): MPP Hillier.

Mr. Randy Hillier: I'm going to take a step back here. We have in our standing orders set guidelines. Those guidelines were developed by the Chief Justice of the High Court of Ontario. During the 1970s, we had a royal commission inquiry into civil liberties in this province. You can get a copy of it up in the library.

The chair of the royal commission was a fellow named James McRuer. He developed these standing orders. With this particular regulation that we're looking at today, number (ii), that the "regulations should be in strict accord with the statute conferring of power"—it is not in strict accord. It is, as the ministry says, implied, but it is not in strict accord. Number (iii) in the standing orders in what this committee does says, "Regulations should be expressed in precise and unambiguous language"—precise and unambiguous. That is the reason why this regulation has been flagged by this committee. It is not precise, and it does create some ambiguity. Recommendation 2 deals with those two specific elements so that it puts the regulation in accord with the statute and it is in precise and unambiguous language.

If you go with your proposed do-nothing approach and reject the work and the thoughtfulness of legislative counsel, you're putting yourself in a position—and you're talking about the law here now. We're talking about creating the law. What you're doing is, anybody who is engaged in this activity will be able to make a defence in a court of law that what they needed to do was ambiguous—and it will be a good defence.

If you truly have the safety and security of kids on school buses in mind and if you understand the law, then option 1 will satisfy that, but it will be a continual change updated, having to come back to the Legislature; recommendation 1 would always have to come back to the Legislature whenever the CSA standard was changed. Recommendation 2 allows it to be automatically updated.

Let's not presuppose that anybody here is more knowledgeable and more thoughtful than a royal commission that spent many years—and of the best legal minds in Ontario and, indeed, this country—came up with direction on how this Legislative Assembly could do its job better. Thank you very much.

0930

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Hillier. Before I go to you, MPP French, I do want to clarify something because of a comment that you made, MPP Hillier. You're referring to the fact that laws

are going to be changed and so on. By amending the Highway Traffic Act that this regulation is underneath, we are actually, and I would like some clarification about this, really taking a broader step to actually change an act and really change the law. I think that this committee needs to understand on some level what that actually means, because this is one specific regulation that has used implied permitting underneath it. By amending the entire act based on this regulation, we are opening, I think, the door to some extent for other things that may come forward that this committee is not considering now.

So I do want everybody here to understand that proposal number 2 is actually suggesting that we amend the entire act as opposed to looking at this specific recommendation. That's the way I understand it. Since you were talking about changing laws, I think it's important that this group understands that.

MPP French?

Ms. Jennifer K. French: Thank you. So I think we all reject recommendation 1.

Recommendation 3: If I'm to sort of follow the line here from the other side or from the government that number 3 keeps things as is, the implied rolling incorporation: status quo. It keeps it as it is.

My understanding, as has been confirmed by research, is that recommendation number 2 does that same thing. It's not changing the regulation. It continues as is, status quo. Things are safe; we're moving forward. But it adds a layer in where we take steps to bring forward a bill to amend the Highway Traffic Act and therefore address the root of the issue.

My understanding, and I'm not trying to be contrary to the Chair, but what you just said about your interpretation of this section, that we actually would be amending—I would like to clarify that we are recommending; we're not amending. We are recommending to the Ministry of Transportation, "Hey, we found a problem. We're recommending that you take the steps necessary to fix it." We can't, as I said last week, say, "Thou shalt." We don't have that power in this room.

So options 2 and 3 are the same thing. The regulation doesn't change; it continues as is. Rolling incorporation is implied. Everything stays the same. Kidlets are safe on buses. That's great. But we're saying, "Since this could be a problem in the future, we're recommending you take steps to bring forward a bill." The Ministry of Transportation, in their expertise, can say, "Nope, not gonna." We can't force anyone's hand; we can make a recommendation.

So I don't understand how we could possibly not take number 2 when it's not adding to anyone's workload. The Ministry of Transportation might be unhappy that someone is suggesting they do something else, but I think in good conscience this is not just about buses; it's about what comes down the road and future implications and interpretations, that we cannot guarantee that they will be positively interpreted and implied for the future safety. So I'd like to be on record as saying that I recommend number 2.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. MPP McGarry?

Mrs. Kathryn McGarry: Thank you very much. I appreciate all the comments in the room regarding this. We are dealing with regulation 169/13 on this. I also know that we have heard from the legal team at MTO. MTO as a ministry is very, very used to implied rolling incorporation of changes to regulations, especially with the school bus safety and from the Canadian Standards Association.

I'm very comfortable that MTO and their legal team are comfortable that on this particular regulation, 169/13, it is fine to leave as is and to continue the implied rolling incorporation. This reduces the time that it takes to change the regulation. I'm quite comfortable and would like to call the vote on possibility number 3. It's not a recommendation, but an observation: "The committee has taken note of this issue but makes no recommendation at this time."

Mr. Mike Colle: Motion to vote on the floor?

Mrs. Kathryn McGarry: Motion to vote on the floor.

Mr. Mike Colle: I'm ready to vote.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: I still have a further concern. Because I think if we do accept number 3—

Mr. Mike Colle: There's a motion to call the vote on the floor.

Mr. Randy Hillier: No. The Chair had recognized—

The Chair (Ms. Indira Naidoo-Harris): No; I apologize. Actually, the researcher was talking to me. I apologize.

Mr. Bill Walker: But I had my hand in the air even before the last speaker spoke—

The Chair (Ms. Indira Naidoo-Harris): No, it's true, MPP McGarry did have a recommendation on the floor. We will call a vote on that. I apologize, MPP McGarry.

Mr. Randy Hillier: What will be the vote?

Mrs. Kathryn McGarry: I just read it out.

Mr. Randy Hillier: What is the wording of the vote?

Mrs. Kathryn McGarry: I just read it out.

Mr. Randy Hillier: What is the motion that we've got?

Mrs. Kathryn McGarry: I just read it out.

Mr. Bill Walker: I can't vote on something I don't understand.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry, can you clarify what it is that you're putting on the table?

Mrs. Kathryn McGarry: I will. I'm happy to, thank you very much. Possibility number 3: "The committee has taken note of this issue but makes no recommendation at this time."

Mr. Bill Walker: Recorded vote.

The Chair (Ms. Indira Naidoo-Harris): Is everyone ready to vote?

Mr. Bill Walker: Recorded vote.

The Chair (Ms. Indira Naidoo-Harris): Recorded vote. So, clarifying, we are voting on possibility number

3: "The committee has taken note of this issue but makes no recommendation at this time." I'm just going to consult with the Clerk for a minute.

Everybody can see, actually, option number 3 on page 9 of draft number 3.

Again, I just want to make sure that everybody does understand what we're taking the recorded vote on, possibility number 3: "The committee has taken note of this issue but makes no recommendation at this time."

Ms. Jennifer K. French: Point of clarification, or information, or something?

So we'll vote on possibility number 3, as worded, and then can I call a vote for recommendation number 2 after that? I don't know the process here. Can anyone call a vote for anything at any time? Because I don't know what I'm asking really; I just want a vote on number 2.

The Chair (Ms. Indira Naidoo-Harris): The Clerk has clarified for me that if possibility number 3 passes, it basically says "takes note of this issue but makes no recommendations." So essentially the Clerk is advising me that that means that recommendations number 2 and number 1 are negated.

Ms. Jennifer K. French: So we couldn't vote on them just to have on the record?

The Chair (Ms. Indira Naidoo-Harris): No.

Mr. Randy Hillier: Point of order.

The Chair (Ms. Indira Naidoo-Harris): Yes. Point of order?

Mrs. Kathryn McGarry: Point of order: I do have a motion on the floor.

The Chair (Ms. Indira Naidoo-Harris): Yes. Thank you, MPP McGarry.

Mrs. Kathryn McGarry: I will call the vote.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Hillier?

Mr. Randy Hillier: Can I see the substitution slips for anybody who is not a member of the committee who may be voting on this motion?

The Chair (Ms. Indira Naidoo-Harris): I'm just consulting about whether or not this is something we can do when we're in the middle of a vote.

Mr. Randy Hillier: We want to recognize who is legitimate to vote.

The Chair (Ms. Indira Naidoo-Harris): The Clerk advises me that she does have the substitution slips in her hand and all of the members who are present are able to vote. Of course, MPP Hillier, as we know, you are here as an observer and you will not be voting.

Mr. Mike Colle: Oh, I thought he was a voting member.

Mr. Randy Hillier: No, no.

Mr. Bill Walker: Just knowledge.

The Chair (Ms. Indira Naidoo-Harris): All right. We're calling the vote now. All those in favour—this is a recorded vote—of possibility number 3: "The committee has taken note of this issue but makes no recommendation at this time."

All of those in favour, please raise your hands—

Mr. Randy Hillier: Twenty-minute recess? I called for a 20-minute recess.

Mr. Mike Colle: He's not a voting member.

The Chair (Ms. Indira Naidoo-Harris): No. And we're in the middle of a vote. I'm sorry, MPP Hillier; you should have mentioned this before the vote was called.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): You did not request a 20-minute recess before the vote was called in a recorded vote.

Please go ahead, Clerk.

Ayes

Colle, Lalonde, Mangat, McGarry.

Nays

Bailey, French, Walker.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much, everybody. It carries. Recommendation number 3—"The committee has taken note of this issue but makes no recommendation at this time"—carries.

MPP Walker?

Mr. Bill Walker: Madam Chair, I would like it noted in the record that I'm concerned that we have taken the action that we have, because this regulation is now going to come back in the next review, I would suggest, because it still stands outstanding. The member who said that we're slowing things down and we're taking time and it's making all of this extra work—we're now going to have this exact same issue come back to this exact

same body next time and we're still not going to be following the standing orders.

I'm very concerned that we've done this whole process—we've had an ability to change legislation for the betterment of Ontario and it hasn't happened as a result of the actions of the government.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much, MPP Walker. MPP French?

Ms. Jennifer K. French: I would like to be on the record as saying that I am very uncomfortable to be part of a process—this is now twice that we have recommended nothing, that we have taken no action, that it has been strictly, "Going forward, please do better next time." I would like to be on record as saying that I hope in the future we will value the recommendations as put forward by our research team, that we appreciate—

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. We are going to move forward now.

Mr. Randy Hillier: Madam Chair, I'd like to place a motion before the committee.

The Chair (Ms. Indira Naidoo-Harris): I'm sorry, MPP Hillier. You cannot move a motion without a proper substitution slip.

Mr. Mike Colle: I move adjournment of the committee.

The Chair (Ms. Indira Naidoo-Harris): MPP Colle?

Mr. Mike Colle: I move adjournment.

The Chair (Ms. Indira Naidoo-Harris): All those in favour of adjournment? All those opposed? Motion carried. Adjourned.

The committee adjourned at 0942.

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Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Substitutions / Membres remplaçants

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Mrs. Marie-France Lalonde (Ottawa–Orléans L)

Also taking part / Autres participants et participantes

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Clerk / Greffière

Ms. Valerie Quioc Lim

Staff / Personnel

Ms. Tamara Hauerstock, research officer,
Research Services

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Wednesday 11 March 2015

Standing Committee on Regulations and Private Bills

Draft report on regulations

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

Mercredi 11 mars 2015

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 11 March 2015

Mercredi 11 mars 2015

The committee met at 0904 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): The Standing Committee on Regulations and Private Bills will now come to order. We are here today to consider the draft report on regulations made in 2013. Please note that you all should have draft number 4 in front of you.

At the end of our last meeting, the committee finished going through the report, and the next step will be to adopt the report. So I'm just going to ask: Are members ready to vote on the report as a whole?

MPP Walker.

Mr. Bill Walker: Chair, before we can, a point of clarification: On page 9, I see, "The committee has taken note of this issue but makes no recommendation at this time" on the Ministry of Transportation. I thought we had recommendations there and had moved forward on that.

Ms. Jennifer K. French: We're on page 9 of draft 4?

The Chair (Ms. Indira Naidoo-Harris): Yes. Page 9 reads, "The committee has taken note of this issue but makes no recommendation at this time." That was what was adopted at the last meeting.

Are we ready to vote on the report as a whole? Committee agrees? All right.

Shall the draft report number 4, including recommendations, carry?

All those in favour, please raise your hands.

Mr. Randy Hillier: Recorded vote.

The Chair (Ms. Indira Naidoo-Harris): I've already asked the question.

All those in favour?

All those opposed, please raise your hands.

The Chair (Ms. Indira Naidoo-Harris): The report will carry.

The next question for all of you is: Who shall sign off on the final copy of the draft?

Mr. Randy Hillier: Pardon me?

The Chair (Ms. Indira Naidoo-Harris): Who will sign off? Right now, we can either do the Chair or the

subcommittee. Who will sign off on the final copy of the draft?

Mr. Lorenzo Berardinetti: The Chair.

The Chair (Ms. Indira Naidoo-Harris): The Chair? I hear the Chair.

All those in favour of the Chair? All those opposed?

Shall I present the report to the House and move the adoption of the recommendations?

Mr. Randy Hillier: Recorded vote.

Ayes

Berardinetti, Kwinter, Mangat, McGarry, Vernile.

Nays

French, Walker.

The Chair (Ms. Indira Naidoo-Harris): It's carried.

That ends the business of the day, so the committee meeting is adjourned.

Mr. Randy Hillier: Is there not also a private bill that's been referred to the—

The Chair (Ms. Indira Naidoo-Harris): Not today, no.

Mr. Randy Hillier: But there is a bill referred?

The Chair (Ms. Indira Naidoo-Harris): I move that the meeting is adjourned—sorry?

Mr. Randy Hillier: Are there private bills referred to this committee?

The Chair (Ms. Indira Naidoo-Harris): There are, but we weren't able to hold them today.

Mr. Randy Hillier: So that will be dealt with in subcommittee?

The Chair (Ms. Indira Naidoo-Harris): In another meeting. We just weren't able to schedule them today.

Before we adjourn, just a reminder that we have a subcommittee meeting right after. So thank you very much, everybody. This was a fast one. Thanks for coming out.

The committee adjourned at 0907.

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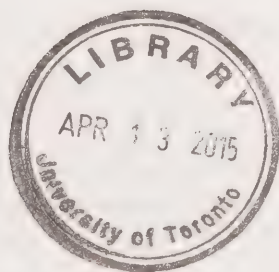
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 1 April 2015

Mercredi 1^{er} avril 2015*The committee met at 0903 in committee room 1.*DSPT INTERNATIONAL
(CANADA) INC. ACT, 2015

Consideration of the following bill:

Bill Pr15, An Act to revive DSPT International (Canada) Inc.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. This morning, we have three private bills that we are going to be considering, so it will be a brisk morning.

First on our agenda is Bill Pr15, An Act to revive DSPT International Inc. I see the sponsor is already there, but I'd like to ask the sponsor and the applicant to please come on up and take a seat. Thank you.

I'd like to start out by introducing the sponsor. The sponsor here today is MPP Mike Colle. Also here today is the applicant. Applicant, could you please introduce yourself?

Mr. John Moore: My name is John Moore. I'm here representing the applicant, Mrs. Dorigo.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much.

First off, MPP Colle, as the sponsor, do you have any comments on Bill Pr15?

Mr. Mike Colle: No.

The Chair (Ms. Indira Naidoo-Harris): And Mr. Moore, on behalf of the applicant, do you have any comments that you want to make to us about Bill Pr15?

Mr. John Moore: I could give you some context. Would that be—

The Chair (Ms. Indira Naidoo-Harris): Yes, please.

Mr. John Moore: Mrs. Dorigo is the applicant. Her husband was the sole shareholder, director and officer of the corporation. He passed away in January 2013.

As part of wrapping up his estate, the corporation was dissolved. The business had ceased operating before he passed away. Mrs. Dorigo was unaware at the time that there was an investment in the name of the corporation at one of the banks, a GIC of a sizable amount. To this date, the bank has been unwilling to let Mrs. Dorigo deal with those assets and has insisted that she revive the corporation in order that those assets may be properly dealt with. That's the reason for the application.

The Chair (Ms. Indira Naidoo-Harris): Thank you. I just want to remind the committee members that we're looking at Bill Pr15. It should be in front of you. I also want to direct your attention to the fact that there are two sides to the bill in front of you.

Are there any interested parties in the room who would like to make a presentation? Okay, I do not believe so.

Are there any comments from government? Yes?

M^{me} France Gélinas: Just a quick question: The GIC at the bank is the only property that DSPT International still owns?

Mr. John Moore: I believe so. It's certainly the largest, and it's money that Mrs. Dorigo believed was in the estate that she requires to live.

M^{me} France Gélinas: But it was in the name—

Mr. John Moore: It was in the name of the corporation, unfortunately. That's the case.

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile?

Ms. Daiene Vernile: I just want to add that I think it's important that Mrs. Dorigo have access to funds that are legally hers and which belong to the estate, so I hope that you can share that with her.

Mr. John Moore: I will.

Ms. Daiene Vernile: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further comments or questions from the committee members? Okay.

Are members ready to vote, then? Great.

I am going to direct you all again to Bill Pr15. Let's start with section 1. If you turn your page over you'll see what I'm referring to on the back of the page.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much to the applicant and the sponsor.

Mr. John Moore: Thank you.

990046 ONTARIO INC. ACT, 2015

Consideration of the following bill:

Bill Pr16, An Act to revive 990046 Ontario Inc.

The Chair (Ms. Indira Naidoo-Harris): All right. We're now going to move to the next item on our agenda. If I can ask the sponsor and applicants for Bill Pr16 to please take their places.

For committee members, just a reminder: We're looking at Bill Pr16, An Act to revive 990046 Ontario Inc.

I'm going to introduce the sponsor. The sponsor here today is Taras Natyshak, MPP.

Mr. Taras Natyshak: Good morning, Chair.

The Chair (Ms. Indira Naidoo-Harris): Good morning. Also here—if I can ask the applicant to introduce herself.

Ms. Nicole Dunn: Hello. I'm Nicole Dunn, representing my father, Ed Dunn.

The Chair (Ms. Indira Naidoo-Harris): Welcome, and thank you for being here.

I'm going to ask the sponsor: MPP Natyshak, do you have any comments that you'd like to make?

Mr. Taras Natyshak: I have none, Chair.

The Chair (Ms. Indira Naidoo-Harris): How about the applicant? Any comments that you'd like to make concerning Bill Pr16?

Ms. Nicole Dunn: I guess I'll just give a brief explanation as to why they're wanting to revive the corporation. It is held by my father and his siblings as passed down to them from my grandmother, their mom. It's a title for mineral rights, basically oil, and currently it is being held by Dundee Ltd.

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There was a change to this company, and just prior to that change they wanted, without understanding, to just separate how the payments were being made to all five of them and weren't made aware, or told, that they shouldn't be dissolving the corporation.

It wasn't until it switched over to Dundee Ltd. that they made it known to them that that's how it works, and that they would need to get the corporation reinstated—if I'm saying all this correctly; I'm a little nervous. Sorry.

That's kind of how this whole thing transpired. The original company allowed them to do this without telling them that that's not the way it should be done, and they weren't informed until just recently, with Dundee Ltd.

The Chair (Ms. Indira Naidoo-Harris): Okay, thank you. I'd like to just make sure: Are there any interested parties in the room who would like to comment on Bill Pr16?

Yes, we're going to go to the committee members now for questions and comments. MPP Mangat?

Mrs. Amrit Mangat: Can you explain what the nature of the business was? All I know is that it's a numbered company.

Ms. Nicole Dunn: It's a numbered company. Basically, on the land, they have discovered oil, so they pump oil, and I guess they get issued money according to how oil is doing, which is not so great right now. Basically, they get paid a fee yearly on that. It was my grandmother's, and now it's divvied up between the five siblings for that.

Mrs. Amrit Mangat: What sort of impact will it have on job creation if it is revived?

Ms. Nicole Dunn: It has nothing really to do with job creation.

Interjection: It's just really holding assets.

Mrs. Amrit Mangat: Holding assets—okay.

Mr. Taras Natyshak: Yes. Chair, this is simply a bureaucratic requirement for the issuance of royalties, or the separation of the royalties that remain, to the siblings. It's a legal requirement that the company be revived in order for them to legally issue those separations. It's almost a formality.

Mrs. Amrit Mangat: Okay, thank you.

Mr. Taras Natyshak: I don't think there's any vested—other than the royalties that would ensue.

Mrs. Amrit Mangat: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you for clarifying, MPP Natyshak.

Are there any other committee members who have questions? MPP Vernile.

Ms. Daiene Vernile: Has this corporation told you that once you reverse this, they will pass the funds on to you? Have they agreed to that?

Ms. Nicole Dunn: Yes. Sorry, I forgot to mention that. They said they are holding it until the issue is resolved, and then they will—

Ms. Daiene Vernile: And then they'll very happily pass on the funds.

Ms. Nicole Dunn: Yes.

Ms. Daiene Vernile: Okay. Thank you.

Ms. Nicole Dunn: Thanks.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments from committee members? Okay, great.

Then are members ready to vote? Good.

Again, a reminder: We are looking at Bill Pr16, An Act to revive 990046 Ontario Inc.

I will point out again and direct your attention to the piece of paper on your desks, and ensure that you are looking at both sides, if you flip it over.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much for coming up and making your presentation.

Ms. Nicole Dunn: Thank you.

Mr. Taras Natyshak: Thank you, Chair, and members.

731149 ONTARIO LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr17, An Act to revive 731149 Ontario Limited.

The Chair (Ms. Indira Naidoo-Harris): Next on our agenda is Bill Pr17, An Act to revive 731149 Ontario Limited.

If I can ask the sponsor to introduce himself. I understand it's MPP Bob Bailey.

Mr. Robert Bailey: Yes, Bob Bailey, MPP, Sarnia-Lambton. This piece of property involving this numbered corporation is in my riding, and I'm proud to introduce Mr. Wilson today.

The Chair (Ms. Indira Naidoo-Harris): The applicant is Mr. Wilson?

Mr. Michael Wilson: Yes. My name is Michael Wilson. I'm counsel for the applicant, Dr. Allan Gordon.

The Chair (Ms. Indira Naidoo-Harris): Thank you. First, I'd like to ask the sponsor, MPP Bailey, if you have any comments about Bill Pr17.

Mr. Robert Bailey: No, I think it's outlined in the brief. Mr. Wilson can answer any questions regarding it.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Mr. Michael Wilson: Yes, I can just provide some context. This was a numbered corporation that owned land in Reece's Corners, which is in Mr. Bailey's riding. The corporation was administratively dissolved back in the early 1990s.

Last year, we went to execute a real estate transaction involving the property—it was an investment property—and we realized that the corporation that owned the land had been dissolved administratively in early 1994. There's a law that says if a corporation was dissolved more than 20 years ago, then it needs to be revived through a private bill rather than just through an administrative process. We are introducing the bill to revive the corporation so that we can transfer the land to a third party.

The Chair (Ms. Indira Naidoo-Harris): Are there any interested parties who would like to make a comment?

Okay, let's move, then, to government. I'm going to ask committee members if they have any questions or comments that they'd like to make. MPP Vernile.

Ms. Daiene Vernile: Mr. Wilson, does anybody in your community have any objections to what you're doing?

Mr. Michael Wilson: No. It's a small piece of property, again, in Reece's Corners. It has been owned through the corporation by Dr. Gordon for several decades now, and he's just looking to move on because he's no longer in the area.

Ms. Daiene Vernile: May I ask you what you hope to do with this property?

Mr. Michael Wilson: It's being sold to a third party. It's already a gas station on a little plaza, so it's being

sold off to the next person, who will use it as an investment property as well.

Ms. Daiene Vernile: Okay, thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP Gélinas.

M^{me} France Gélinas: I was curious. It's the first time that I see that a corporation was dissolved under the Business Corporations Act for failure to comply with the Corporations Information Act. What exactly did they fail to do?

Mr. Michael Wilson: I don't think this requirement exists any longer, but in the early 1990s, you were required to file a form each year with information about the company. We failed to do that. There was a transition in management. Dr. Gordon wasn't managing the property himself in the early 1990s. When he took over that responsibility, he didn't realize that that was a requirement, and so it was just through inadvertence they didn't file that form that was required each year.

M^{me} France Gélinas: And that automatically triggers the corporation to be dissolved?

Mr. Michael Wilson: Yes. It was dissolved as a result of failing to file the form.

M^{me} France Gélinas: All right. And then nobody said boo about it for 20 years?

Mr. Michael Wilson: Nobody said boo. When we went to sell the property, Dr. Gordon, even though he had been paying for the expenses and the taxes and all those things over the years, when he went to actually transfer the property, we realized that it was held by a numbered company.

M^{me} France Gélinas: Very good.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Gélinas. Any other questions from committee members?

Are members ready to vote? Okay. A reminder: We're looking at Bill Pr17, An Act to revive 731149 Ontario Limited. Again, you should have the sheets on your desk. I remind you to flip them over and take a look at the applicable sections here.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes. Thank you.

I believe that ends the items on our agenda for today, so I will adjourn this meeting. Thank you very much for coming up.

The committee adjourned at 0919.

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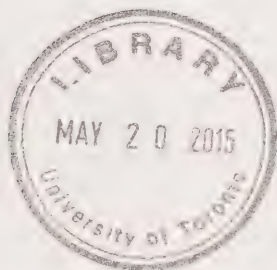
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Journal des débats (Hansard)

Mercredi 6 mai 2015

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Wednesday 6 May 2015

Mercredi 6 mai 2015

*The committee met at 0901 in committee room 2.*OTTAWA SCHOOL
DAY NURSERY INC. ACT, 2015

Consideration of the following bill:

Bill Pr14, An Act to revive Ottawa School Day Nursery Inc.

The Chair (Ms. Indira Naidoo-Harris): The Standing Committee on Regulations and Private Bills will now come to order. This morning we have two private bills to consider, and we're going to start with Bill Pr14, An Act to revive Ottawa School Day Nursery Inc. If I could ask the sponsor, MPP McGarry I believe, and the applicant, Diane O'Neill, to please come to the front and take their seats.

Mrs. Kathryn McGarry: Good morning.

The Chair (Ms. Indira Naidoo-Harris): Good morning. MPP McGarry, I understand you're the sponsor of this bill. If you can also let us know if you have any comments that you'd like to make on this?

Mrs. Kathryn McGarry: No. I have brought Bill Pr14 forward on behalf of MPP John Fraser. I can introduce Diane.

The Chair (Ms. Indira Naidoo-Harris): Diane O'Neill, you're the applicant. Good to meet you.

Ms. Diane O'Neill: Thank you.

The Chair (Ms. Indira Naidoo-Harris): If you want to have a few moments to speak, please go ahead.

Ms. Diane O'Neill: OSDN was formed about 15 years ago—or actually about 18 years ago now. It had 14 sites in the public school board. When the government came through with Schools First, we made a conscious decision, as a board of directors, to hand over our programs, along with our children and our staff, to the school board and close down our business. We gave up our charter in February 2014, and then found out that we did not receive our GST rebate cheque at that point. The CRA said that we would not be getting it because we were no longer in existence.

Therefore, we'd really like to revive our charter and receive the GST rebate. We had a foundation. We will put this money into the foundation that is with the school board. The foundation is used for ECE training and workshops, and also for extra programming for the chil-

dren in our programs—or what used to be our programs. That's why we want to do it.

The Chair (Ms. Indira Naidoo-Harris): Okay, thank you, Ms. O'Neill. I'm going to see if there are any interested parties in the room that would like to make a comment. Are there any interested parties in the room?

Okay, so let's continue, then. Comments from government or committee members? Comments from government? Okay. Comments from committee members? MPP French.

Ms. Jennifer K. French: Just a question: When you said that you had a foundation that you will be putting this into, there's still a clear path to do that if, as you say, you "had a foundation"?

Ms. Diane O'Neill: Well, because we're not in existence, the foundation is being held by the school board, but on very, very strict parameters. We negotiated exactly what this foundation was to be used for.

Ms. Jennifer K. French: So the GST rebate, then, is—

Ms. Diane O'Neill: It will go right into there.

Ms. Jennifer K. French: And is there a mechanism in place to ensure that that is—

Ms. Diane O'Neill: Yes, there is.

Ms. Jennifer K. French: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any questions from committee members? All right. Are we ready to vote, then? Are the members ready to vote? Okay, great. We are considering Bill Pr14, An Act to revive Ottawa School Day Nursery Inc. Just so everybody knows, the piece of—

Interjection.

Mr. Bill Walker: Just a keener.

The Chair (Ms. Indira Naidoo-Harris): You're just a bit of a keener, MPP Walker.

So let's take it section by section.

Shall section 1 of Bill Pr14 carry? Carried.

Shall section 2 of Bill Pr14 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Okay. Thank you.

**CENTRE FOR INTERNATIONAL
GOVERNANCE INNOVATION ACT
(TAX RELIEF), 2015**

Consideration of the following bill:

Bill Pr18, An Act respecting The Centre for International Governance Innovation.

The Chair (Ms. Indira Naidoo-Harris): Okay, I'd—oh, you're already there. Good. Right now, we are considering Bill Pr18, An Act respecting The Centre for International Governance Innovation. I understand that the sponsor is MPP Fife and the applicant is Aaron Shull, the corporate counsel.

Mr. Aaron Shull: That's correct.

The Chair (Ms. Indira Naidoo-Harris): If you don't mind, I'm going to ask the sponsor actually just to introduce herself and make any comments that she'd like to make. MPP Fife.

Ms. Catherine Fife: Good morning, Chair and committee. Before you, you have—really, this is a long-standing issue in our riding. Former MPP Witmer brought forward this exemption back in 2006 for CIGI. CIGI has built a new building and they're just moving, really, up the street. They have had the exemption from taxation for that period of time.

I think it's worth noting that the city of Waterloo—it's the last page in your package—has pointed out that the property that CIGI is moving to is currently exempt from taxation, so no taxes will be lost from this endeavour. But it is also their understanding from discussions with CIGI staff that the former location, 57 Erb Street, will be rented out to commercial tenants—it's a highly sought-after location—and that that activity would be deemed taxable, depending on MPAC assessment.

CIGI is a well-respected organization in the community. They do some very amazing work, globally recognized. We're very proud that they are downtown. Actually, we call it uptown, because some people are a little pretentious in Waterloo. So they're applying for the exemption.

Is there anything else that you would like to add, Aaron?

Mr. Aaron Shull: No.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments you'd like to make?

Mr. Aaron Shull: Well, it's just a privilege and an honour to be here, Madam Chair and committee members. I'm happy to answer any questions the committee

has about CIGI, but MPP Fife has done an excellent job of describing the situation.

The Chair (Ms. Indira Naidoo-Harris): Great. I'm going to ask if there are any interested parties that have any comments to make. It doesn't appear so, so we're going to move to comments from the government or—

Ms. Ann Hoggarth: Sorry. I had my hand up.

The Chair (Ms. Indira Naidoo-Harris): Go ahead, MPP Hoggarth.

Ms. Ann Hoggarth: I just wanted to make sure: The city of Waterloo is on track with this? They are in favour of this, as this letter says that they are?

Mr. Aaron Shull: That's correct.

Ms. Ann Hoggarth: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any other questions or comments from committee members? MPP McGarry.

Mrs. Kathryn McGarry: Thank you. I would be supportive of this. Recently—actually, on March 27—I had the opportunity to tour CIGI and go to the lecture at noon hour with everybody. We also had a round table that day on climate change, and I think the IQ in the room was incredible. It was an incredible tour that day to see what CIGI actually offers, not only the community, but Ontario. It was a very impressive facility. It was impressive the way it has been run. I think it's really been a jewel in Waterloo region, so thank you for coming today. I was really impressed with it.

Ms. Catherine Fife: Thank you very much.

The Chair (Ms. Indira Naidoo-Harris): Further comments or questions from committee members? Okay. Are we ready to vote? Great. We are now considering Bill Pr18, An Act respecting The Centre for International Governance Innovation.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried, yes.

I believe that is everything that we will be considering today. Thank you very much, everyone, for coming in, and thanks to the sponsors and applicants. I will adjourn this meeting.

The committee adjourned at 0911.

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Wednesday 27 May 2015

Mercredi 27 mai 2015

*The committee met at 0903 in committee room 1.*SUPPLY CHAIN MANAGEMENT
ASSOCIATION ONTARIO ACT, 2015

Consideration of the following bill:

Bill Pr19, An Act respecting the Supply Chain Management Association Ontario.

The Chair (Ms. Indira Naidoo-Harris): The Standing Committee on Regulations and Private Bills will now come to order. Good morning, everyone.

We have Bill Pr19 to consider this morning. I'm going to start by asking the sponsor to introduce himself, and also, if the applicants could introduce themselves after the sponsor does.

Mr. Lou Rinaldi: Thank you, Chair. MPP Lou Rinaldi. I'm privileged to sponsor Bill Pr19. That's from the Supply Chain Management Association Ontario. I have with me today Richard Lough, chair; Kelly Duffin, executive director; and Jeffrey Graham, corporate counsel.

Madam Chair, I'll turn it over to them, because they're a lot more expert in the issue, and go from there. Thank you very much for allowing me this time.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for coming in. Yes, please, if the applicants could go ahead. If you have any comments to make as we start.**Mr. Richard Lough:** Good morning, and thank you very much for seeing us. I'm Richard Lough. I'm the chair of the board of the Supply Chain Management Association Ontario. This is Kelly Duffin, who is our executive director, and Jeff Graham, who is our legal counsel.

I'd also like to thank Lou Rinaldi for the support for our bill going forward.

Kelly will soon speak to our act, but for context, I'd like to give you a quick sense of supply chain management as a profession, and provide a brief introduction of the association and its mandate.

In my day job, I'm the manager of procurement for Canadian Blood Services. I manage a team that is responsible for procuring and sourcing everything from cookies to medical supplies to vehicles.

Procurement is part of supply chain management. In fact, supply chain management is relatively new termin-

ology and includes a wide range of activities, including procurement, logistics, sourcing, transportation and distribution. Over 350,000 Ontarians are employed in supply chain, which, end to end, can be thought of as all the functions that have come into play to get products and services from creation to the consumer.

Our association, Supply Chain Management Association Ontario, or SCMAO, is part of a national federation. Our members are largely mid-level and senior-level supply chain practitioners across the province. About a third of our members are in the public sector—at the Ministry of Health, Canada Post or municipal government, for instance. Our private sector members work in small and medium enterprises as well as Ontario's largest companies. Some of those are Tim Hortons, RBC, Canadian Tire, Magna, Ford and Air Canada, among others.

SCMAO provides a range of membership services, with a key focus on professional development. We run a number of courses to build skills and provide an ethical framework for practitioners through a code of ethics that binds all our designation holders. In this way, we advance skill development for supply chain practitioners, and fulfill a public protection function as well.

Now I'm going to turn it over to Kelly, to speak about the act itself.

Ms. Kelly Duffin: Thank you, Richard, and good morning, committee members. As Richard said, we're a professional association, and we're founded by an act, as many professional associations are: the Human Resources Professionals Association, Ontario Association of Architects, the Association of Translators and Interpreters of Ontario, and many others. We are all founded not by letters patent but by an act.

Our act, in addition to establishing us as an organization, also establishes our designation, which is called the Certified Supply Chain Management Professional, or CSCMP, designation. That is part of what we do in terms of offering professional development, and the pinnacle achievement of our professional development is the CSCMP designation.

I know you have the compendium, which outlines the objectives of our act, but I've also included—we handed out our notes, and on the back page there's a bit of a chart that really summarizes what some of our intentions were. I just wanted to review that, to give you a more

succinct sense of what we were trying to achieve in this revision to our act.

First and foremost, we need to change our name. Our association name actually changed in 2014, following an amalgamation with another association. Our former act was called the Ontario Institute of the Purchasing Management Association of Canada Inc. Act, and we're now SCMAO, so that was really the impetus that started us down the road, and that's the primary thing that we need to change.

At the same time, we did want to take some other steps to modernize our act. We have updated our objects. As Richard described, "supply chain management" is fairly new terminology for a whole breadth of functions—procurement, warehousing, distribution, inventory and transportation—now called supply chain, so we updated our objects to better reflect the evolution and scope of the profession and the breadth of supply chain.

We also wanted to tighten disciplinary measures. This is really to safeguard the integrity of the designation and assure public protection. Richard spoke about the fact that we have a code of ethics, and that public protection is one of the pieces of what our act achieves. We did want to tighten that in this revision.

We also wanted to eliminate the requirement of being designated in order to be called a member. Our current, or—hopefully, soon—our former act has a category called "associate," and we really wanted to democratize our membership and allow those people the equal rights of being a full member.

Those were the major changes and things we wanted to achieve with this revision in our act. At the same time, we did a little bit of housekeeping. We improved the definitions. We removed some things that really are better placed in bylaws, so that we don't end up with conflicting pieces of information as time goes on. We removed a reference to a benevolent fund. We removed some details of legal process, because they already exist in law, clarified the effective date of a member's resignation and clarified liability. Those were some of the further little tweaks.

We all really wanted to thank very much legislative counsel, Susan Klein, for her very thorough review and helpful guidance during that process—I think it's a much better draft by virtue of her guidance—and the Clerk of the Committee, Valerie Quioc Lim, who has been very helpful as well.

That's really the end of our presentation. We're happy to take any questions.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your comments. I'm just going to make sure if there's anyone in the room who has comments to

make, any interested parties, before we proceed to the government comments. It doesn't look like it. Okay.

Let's move forward, then, to government and committee members' comments and questions. MPP Daiene Vernile.

Ms. Daiene Vernile: Good morning. To your knowledge, is there anyone who is objecting to what you are proposing today?

Ms. Kelly Duffin: No.

Ms. Daiene Vernile: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any other questions or comments from committee members? MPP McGarry.

Mrs. Kathryn McGarry: So basically, it's more of a housekeeping item. There's really no change in your business; it's really just the name change to comply with how we're proceeding in the future in terms of what to call the industry.

Ms. Kelly Duffin: You're absolutely right. Our business remains the same, and the name change was the primary impetus. At the same time, we did do some of the substantive pieces that we outlined—to increase public protection and to modernize our objects, for instance. But you're right: The organization and the business remain unchanged.

Mrs. Kathryn McGarry: Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: I apologize for missing the earlier part of the presentation. Is there a financial piece to this or something that we're not seeing that, by changing the name, there's anything—there's no financial implication?

Ms. Kelly Duffin: There's no financial implication.

Ms. Jennifer K. French: Okay.

The Chair (Ms. Indira Naidoo-Harris): Are committee members satisfied? Are we ready to move ahead to a vote? Okay. Great.

We have a number of sections here that we'll have to look at. Are the committee members okay with me grouping them together? If it's okay with everyone, I would like to group sections 1 through to 18 all together. All right.

Shall sections 1 through 18 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry, and shall I report the bill to the House? Agreed. Thank you.

I think that is our business of the day. Thank you very much for coming in. It was good to hear from you all.

This meeting is adjourned.

The committee adjourned at 0913.

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Mercredi 3 juin 2015

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS

Wednesday 3 June 2015

COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Mercredi 3 juin 2015

The committee met at 0902 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. We have three private bills to consider this morning.

NIAGARA CENTRAL
DOROTHY RUNGELING
AIRPORT ACT, 2015

Consideration of the following bill:

Bill Pr20, An Act to amend The Welland-Port Colborne Airport Act, 1976.

The Chair (Ms. Indira Naidoo-Harris): We're going to start with Bill Pr20. I'd like to ask the sponsor and the applicant to come on up, please. This is An Act to amend The Welland-Port Colborne Airport Act, 1976.

Just before we start I would like to let committee members know that I do have a request from Mr. Hudak, who is one of the sponsors here, that the committee consider the two private bills he is sponsoring one after the other. I would like the committee to be prepared for Bill Pr20 and Bill Pr22. Is everyone in agreement with that?

Interjection: Agreed.

The Chair (Ms. Indira Naidoo-Harris): Great. Thank you.

Mr. Tim Hudak: It's a long way to walk.

The Chair (Ms. Indira Naidoo-Harris): Of course, it does depend on the applicant getting here, but I'm glad everybody is in agreement.

First of all, if I can ask the sponsor to please introduce himself and the applicant.

Mr. Tim Hudak: Thank you very much, Chair, and members of the committee, for your indulgence. The other applicant for the subsequent private bill is on her way here. She's from Niagara and caught up in a bit of traffic. So if it works, fantastic; if not, then we'll go in the order on the agenda.

I'm proud to be here in support of Bill Pr20. I'm joined on my right by Bruce Smith. Bruce Smith is a lawyer from Port Colborne. Do you live in my riding?

Mr. Bruce Smith: I'm in Welland.

Mr. Tim Hudak: It was a Port Colborne number I called, wasn't it?

Mr. Bruce Smith: No.

Mr. Tim Hudak: Obviously, we didn't rehearse this.

Mr. Bruce Smith: No.

Mr. Tim Hudak: He's a lawyer in Welland, Ontario. He'll be speaking on behalf of the Niagara Central Airport, and a bit about Dorothy Rungeling, who this airport is to be named after if the committee permits the bill to go through and we get second and third reading in the Legislature.

Chair, can I just talk a bit about Dorothy Rungeling and why this is just a really nice bill? Cindy Forster, my colleague from the Welland riding, couldn't be here today with a conflict; Jennifer French, obviously, is representing the NDP. But Cindy Forster is also a strong supporter of this legislation. The airport resides in Pelham, in my riding, but services the communities of Welland, Port Colborne and Wainfleet, which Ms. Forster represents. She has made very positive comments about this bill. While we can't co-sponsor private bills, as you know, she is a strong supporter, and I appreciate that. It's a nice story of two Niagara members from different parties working together on a good cause.

The Chair (Ms. Indira Naidoo-Harris): Please go ahead and just explain to us what comments you have about this.

Mr. Tim Hudak: I'm sponsoring Bill Pr20, which would allow the Niagara Central Airport to change its name in honour of a constituent in my riding, Ms. Dorothy Rungeling. Let me tell you about Dorothy. She is a Canadian aviation pioneer. She was Canada's first woman to fly in international air races. She was one of the first Canadian women to hold a commercial air licence, the first Canadian woman to fly a helicopter solo, the first woman to hold an airline transport licence, the first winner of a national aviation reporting prize, and she blazed trails for women pilots right across Canada.

You can imagine that all these firsts garnered a lot of attention in Niagara and in our country, and you'd be correct. So much so, in fact, that in the 1950s, the then mayor of Welland credited Ms. Rungeling with saving the airport. All of the interest she created led to a revised interest in the airport and support for the local airstrip. Dorothy remains today a member of the Ninety-Nines, a group of female pilots who grew from meeting with Amelia Earhart back in the 1920s. Although Dorothy never met Earhart, she flew with that same trail-blazing attitude and was recognized for it when the Ninety-Nines petitioned Canada Post to actually have a stamp in Dorothy's honour.

Chair, I want to say, too, that it wasn't just aviation. That record is enough and would justify this bill, but Dorothy was a pioneer in so many more aspects in her life. She was the first female councillor in the town of Pelham. She ran her husband's auto dealership. She was an equestrian, a musician and an artist. She has, since the age of 90, written four books on a number of subjects, including the history of Pelham, and her mother is the well-known poet Ethelwyn Wetherald. So you can understand, she greatly disliked the nickname of the time—the “flying housewife” didn't quite capture what Dorothy did in our province.

In recognition of her aviation career and her support for the airport, Niagara Central Airport would like to change its name to the Niagara Central Dorothy Rungeling Airport. It requires our approval to amend the Welland-Port Colborne Airport Act, 1976. Mrs. Rungeling, by the way, celebrated a birthday just a couple of weeks ago where she turned 104 years of age. Although she doesn't fly much anymore, she is vibrant and vital and living life fully in a local aviation community and the Niagara community at large. We would very much like to change the airport name for her, to recognize her incredible leadership, accomplishments and legacy in our country. Thank you, Chair.

Mr. Smith, I think, would like to add, with your indulgence, Chair, a little bit on the technical side.

The Chair (Ms. Indira Naidoo-Harris): Yes. Thank you, MPP Hudak.

Mr. Bruce Smith: I think you've captured it in a nutshell: The whole reason that we're doing this is to recognize this lady. Very simply, it's an amendment to change the airport's name to reflect this. All four municipalities that are served—which would be Welland, Port Colborne, Wainfleet and—

Mr. Tim Hudak: Pelham.

Mr. Bruce Smith: Pelham, sorry—are all in line with this and support it unanimously. At the vote that was taken, the commission was unanimous. The initiative for this came from the public as a whole, and brought to us to do this. After reviewing this, the commission decided it made a lot of sense to go ahead and make this change to recognize this lady. All four municipalities, like I've said, have supported it unanimously. The agreement was executed in that regard. So the next step now is to seek your approval to carry this to its fruition. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your comments. Now I'd like to find out if there are any interested parties who are in the room who would like to speak.

So let's move on to comments and questions from committee members and government. Yes, MPP Vernile?

Ms. Daiene Vernile: Thank you very much, and good morning. I know that within Canadian history—and history was my major at university—there are many stories of great Canadian women trailblazers. By doing this, by naming the airport after Dorothy Rungeling, you are honouring her and encouraging future generations of Canadians to tell these stories about great Canadian

women. I just wish that she was here today for this event. I fully support what you are doing. This is marvellous. Thank you.

Mr. Bruce Smith: Thank you very much. I was an honours history major myself.

Ms. Daiene Vernile: Where did you go to school?

Mr. Bruce Smith: Western.

Ms. Daiene Vernile: Okay, I was at Laurier.

Mr. Bruce Smith: I hope that doesn't hold anything against me.

Ms. Daiene Vernile: I was at Laurier.

Mr. Bruce Smith: Oh. Uh-oh. Sorry.

Ms. Daiene Vernile: We had a football rivalry, I think.

Mr. Bruce Smith: Yes. I don't have my purple on, so we're okay.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP McGarry.

Mrs. Kathryn McGarry: Thank you. I echo those comments. What a great story, and certainly very timely, when she's 104 years old.

Just a quick question: Will this cost Ontario any money?

Mr. Bruce Smith: No. It'll come from the four local municipalities, within our normal budgets. There is some talk—we've already been in discussions with one of the local artists who's going to design the new designs for us at no charge for that part. We're hoping to get some money raised for the cost of changing signs and that right now. I can't say for sure. It won't cost Ontario; it will cost the local municipalities and our budget to do this as part of the promotion changes—so yes.

0910

The Chair (Ms. Indira Naidoo-Harris): Any other questions or comments from committee members? MPP French.

Ms. Jennifer K. French: I appreciate the story and certainly learning more about Ms. Rungeling.

Taking a look at the one letter that was in opposition: Is this individual someone who is just a member of the community at large with—

Mr. Bruce Smith: Yes, he's a local pilot and has raised an objection. In his basic—well, they didn't want any change to that. The argument was, there were other people who could do it. But at the end of the day, we felt this was the best honour of that.

Ms. Jennifer K. French: I appreciate that. I've seen the letter, and I think he makes his thoughts clear. I wasn't clear on his role in this beyond being an interested community member.

The Chair (Ms. Indira Naidoo-Harris): Further comments or questions? Are members ready to vote?

We are now looking at Bill Pr20, An Act to amend The Welland-Port Colborne Airport Act, 1976.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry?

Mr. Tim Hudak: A recorded vote for posterity, Chair.

The Chair (Ms. Indira Naidoo-Harris): Okay. Shall the bill carry?

Ayes

Bailey, Colle, French, Hudak, Kwinter, Mangat, McGarry, Vernile.

The Chair (Ms. Indira Naidoo-Harris): Those opposed, if any? Carried.

Shall I report the bill to the House? Yes. Thank you very much.

Mr. Bruce Smith: Thank you for your time.

Mr. Tim Hudak: I'd just like to say to my committee colleagues: Thank you very much for supporting that bill and the questions that you had. I think it is very exciting to see all three parties supporting the recognition of this leader and pioneer in the community.

The deputant for the third bill is in the building but not in committee yet, so Chair, if you want to go ahead with number 2, that's terrific.

WEICHE ESTATES INC ACT, 2015

Consideration of the following bill:

Bill Pr21, An Act to revive Weiche Estates Inc.

The Chair (Ms. Indira Naidoo-Harris): Next up, we're looking at Bill Pr21, An Act to revive Weiche Estates Inc. If I could ask the sponsor and the applicant to please come up and take a seat.

We are now considering Bill Pr21, An Act to revive Weiche Estates Inc. If the sponsor could please introduce herself and also the applicants.

Mrs. Kathryn McGarry: Kathryn McGarry, MPP for Cambridge.

Mr. Paul Downs: My name is Paul Downs. I'm a lawyer for the applicant.

Ms. Paula Downs: I'm Paula Downs, a lawyer for the applicant.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much. I'd like to ask the sponsor if she has any comments.

Mrs. Kathryn McGarry: The lawyers are here on behalf of their applicants to try to revive a private corporation that was dissolved by their father some years back. They're seeking to revive this. I think I will have their lawyers explain some of the background behind this private bill.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments, the lawyer?

Mr. Paul Downs: Chair and members of the committee, the reason that Weiche Estates Inc. is being sought to be revived is because the dissolution of the corporation rendered the corporation a non-entity. Because the cor-

poration no longer exists, it cannot participate as a party in litigation.

The corporation was dissolved in 2009 by Martin Weiche, who was the late father of Jacob Weiche, the applicant, and his brother, Alan Weiche. Martin Weiche's wife was Jeannet Weiche; she was the stepmother of Alan and Jacob.

There were a couple of companies: Weiche Estates Inc., the company that was dissolved, and there was another family company, of which Mrs. Weiche owned most of the shares—the controlling shares, in any event. There was a transfer from one corporation to the other whereby the main asset of Weiche Estates Inc.—a property, a 12.5-acre parcel in the city of London with a large residence on it—was transferred to Mrs. Weiche's company from the company that Jacob and Alan had shares in, for \$16,000, at a time when the property was worth hundreds of thousands of dollars. So we started the lawsuit on behalf of the corporation to get the property back, and also on behalf of Alan and Jacob Weiche, advancing different claims.

Mr. Wright, who acts for the defendants in that lawsuit and who is objecting to the revival of the corporation, raised as an objection in his defence the fact that the corporation did not exist and therefore cannot be a party to a lawsuit. In furtherance of that argument, Mr. Wright brought a motion before Mr. Justice Leach that was heard in, I believe it was, August 2013, to have the action of Weiche Estates Inc. dismissed on the basis that the corporation didn't exist.

In response to that argument on the motion before Mr. Justice Leach, I took the position that the court could make an order to set aside the dissolution of the corporation when the matter went to trial or on an earlier motion, or the company could simply be revived. Then, under the Business Corporations Act, the revival of the corporation has the effect of retroactively restoring the company to its status as it was on the date of the dissolution. Therefore, the company would be deemed to never have not existed and it could carry on with its lawsuit.

So we're asking that the corporation be revived so that we can then go back to the court and say, "Okay, we have the order of revival. The company now exists. The company wants to proceed with its claim to recover its property, which was wrongfully transferred by Martin Weiche to his wife's corporation."

This is a complex piece of litigation, I can tell you. There have been a number of motions that have been argued before judges. The matter is now on the trial list, so it's important for us to get the company revived so that the company can participate at trial and seek to recover its property.

This committee doesn't have to worry about the merits of the litigation. That's for the trial judge to decide. The question of the revival, though—what I would ask the committee to do is to consider what is the fair thing to do in this case. Here we have a company that has been deprived of its property, and one of the parties who is involved in the litigation—it's now the estate of Martin

Weiche—Martin Weiche was the person who dissolved the corporation, and my clients believe the reason he dissolved the corporation was to make it more difficult for them to proceed to have the company recover its property. What the revival of the company does is, it would just put the company on equal status with all other parties in the litigation. It would be a legally recognized entity with all the rights of other legal entities, and it could proceed with the litigation.

I know Mr. Leach took the position that his clients would be prejudiced by the company being revived. Well, the only prejudice to them is that the company would now be on an equal footing with them going forward, to let the courts decide the merits of the dispute between the parties. There is no other prejudice to him. It's my submission that the fair thing to do is revive the corporation and let it proceed to trial to recover its property.

0920

I would also point out that all the requirements of the province of Ontario have been satisfied to revive the corporation.

Those are my submissions.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Mr. Downs. Any further comments from the applicants? Okay.

I'd like to now ask if there are any interested parties in the room who would like to make a comment. Please come on up. I believe you are Ian Wright?

Mr. Ian Wright: I am.

The Chair (Ms. Indira Naidoo-Harris): Please introduce yourself and let us know your comments.

Mr. Ian Wright: My name is Ian Wright. I'm the lawyer for Jeannet Weiche. Jeannet Weiche is one of the defendants in the lawsuit started by my colleague Mr. Downs's clients, Jacob and Alan Weiche. I also represent the estate of Martin Weiche. Jeannet Weiche is Martin Weiche's personal representative. I also represent a company called Berghof Estate Inc.

I hope you have a letter which I sent to the Clerk of the Committee expressing my client's opposition to the revival of this company. The reason for their opposition is that, in my submission, the revival of the company, based on the suggestion that there has been fraud, would then put the company back into existence and would potentially prejudice my client's defence in the lawsuit brought by Mr. Downs's clients.

There were a number of comments that Mr. Downs provided to you that I don't disagree with. There are certain things that are immutable. My client is the step-parent of his clients. This property was owned by one company, the Weiche Estate company. It was transferred to Berghof Estate, which is the defendant. But there are a number of statements that Mr. Downs made, specifically that the company was deprived of property or that there was an attempt by Martin Weiche to dissolve this company to make it more difficult for his sons to obtain this property, which are vehemently, categorically denied. They are facts that have to be, in my submission, decided

in a court of law, where Mr. Downs' clients and my client will be subject to being required to call evidence and subject to cross-examination.

Mr. Downs has suggested that the fair thing to do would be to revive the company. I couldn't disagree more. The fair thing to do is, in fact, to require a trial so that if Mr. Downs's clients can prove what they allege, which, as I say, is denied by my client, a judge will have the ability to be able to order what that judge—he or she—wishes to do, but not, in my view, to pre-empt the discussion by having the company revived at this committee stage.

The thing that I want to emphasize is that there are innumerable facts that are in dispute in this case. There are massive disagreements in terms of the sequence of events. I'll just give a few, one of which is that it was Mr. Downs's client, Jacob Weiche, who authorized the sale of the property to the company that now holds it. A further issue which is in dispute is the fact that at the time the company was dissolved by Martin Weiche, both Alan Weiche and Jacob Weiche were given notice of the meeting and failed to attend. Those facts are in dispute—I want to make that clear—but we shouldn't pre-empt the discussion and we shouldn't pre-empt the trial by reviving the company at this point.

Just to be clear, Weiche Estates, the company that Mr. Downs seeks to have revived, doesn't need to be revived to have an equal footing. In fact, the judgment that Mr. Downs referred to by Justice Ian Leach preserved the rights of that company and permitted Mr. Downs to explore all of the issues related to that dissolved company, notwithstanding the fact it wasn't revived.

The Chair (Ms. Indira Naidoo-Harris): If I could remind you that we are looking at just the merits right now of the revival of the corporation, so if you could keep your comments brief.

Mr. Ian Wright: Thank you. In my submission, the prejudice to be visited on my client if the company is revived should not occur. There should be a trial to determine these issues.

Ms. Daiene Vernile: A point of order.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Vernile.

Ms. Daiene Vernile: May I ask legal counsel, considering that we have received this letter from Mr. Wright and you are suggesting to the members that we vote against the revival of this company, considering that we have this in front of us, are we permitted, as a committee, to continue with this?

Ms. Indira Naidoo-Harris: I will refer to legislative counsel. Please go ahead.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): The Clerk will speak on this and will clarify things. Go ahead, Clerk.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Just to clarify that the matter before the committee right now is Bill Pr21. It's a request for a corporate revival, similar to the ones the committee has previously

looked at routinely. The facts and merits of the litigation are not part of the private bill application.

If you're worried about the actual discussion of the committee, there is what we call a parliamentary convention—the sub judice convention. It's also a rule in the standing orders, which is a voluntary restriction or restraint on the part of Parliament to refrain from discussing matters that are before a quasi-judicial body. This is in standing order 23(g). It has to be shown to the satisfaction of the Speaker—in this case, the Chair—that further reference would create a real and substantial danger of prejudice to the proceedings.

So there is precedent that the committees have discussed private bills even though they are in the middle of litigation, because what the committee is looking at are the merits of reviving a corporation, not what it will do after that corporation is revived—should it be revived. It is up to the committee how it will vote on the bill.

Ms. Daiene Vernile: Have the applicants fulfilled all of the requirements, though, for the bill?

The Clerk of the Committee (Ms. Valerie Quioc Lim): Yes. They fulfilled what was required for the application—

Ms. Daiene Vernile: Okay, thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Clerk.

Does legislative counsel care to make any comments on this?

Ms. Susan Klein: No, that's okay.

The Chair (Ms. Indira Naidoo-Harris): Okay, so legislative counsel is fine.

In terms of what I understand from what the Clerk is saying, then, I think we are ready to proceed. My understanding is that we have met the requirements in terms of proceeding to a vote, in terms of a request for a corporate revival. This matter—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Okay. Actually, my apologies—further comments or questions from other committee members? I meant to proceed with our routine of questions and comments. Go ahead, MPP French.

Ms. Jennifer K. French: Quite frankly, I feel a bit uncomfortable in this proceeding. I'll just get that on the record.

Am I to understand that one of the individuals, this Jacob Weiche, who's the son of—

Mr. Paul Downs: Martin Weiche.

Ms. Jennifer K. French: —Martin Weiche, this is originally his company, was actually involved in the transferring of the property in question, of the land?

Mr. Paul Downs: That is a hotly contested issue.

Ms. Jennifer K. French: I can understand why.

Mr. Paul Downs: Pardon?

Ms. Jennifer K. French: I can understand why.

Mr. Paul Downs: The reason is, we say—and the evidence at trial of my clients will be—that they did not get notice of the meetings where these acts took place; that they did not even know the property had been transferred

until after they retained me and I did a sub-search of the property. All of that is a matter for the trial judge to hear all the evidence and decide all of those issues.

Ms. Jennifer K. French: But fundamentally, we're looking at undoing something that was done by the original, shall I say, owner?

Mr. Paul Downs: One of the shareholders of the corporation at that time, and I believe that he was a very minor shareholder when the dissolution occurred.

Ms. Jennifer K. French: Martin Weiche was a minor shareholder at the time.

Mr. Paul Downs: Yes, he was a minor shareholder—that's my recollection—when the dissolution took place.

Ms. Jennifer K. French: Okay.

Mr. Paul Downs: He was the one who signed the articles of dissolution and made the application to dissolve the corporation.

Ms. Jennifer K. French: At the time of this—again, if counsel can stop me if I'm asking things I'm not supposed to be asking because this is a grey area for me, but my question is: At the time of dissolution, was there any question as to—we're looking at the dissolution and the revival.

The Chair (Ms. Indira Naidoo-Harris): My understanding from the Clerk is that we are looking at the merits of the revival of this corporation. We should keep our comments and questions strictly to that.

Ms. Jennifer K. French: So are issues surrounding the dissolution germane to this?

The Chair (Ms. Indira Naidoo-Harris): No.

Ms. Jennifer K. French: All right.

The Chair (Ms. Indira Naidoo-Harris): Further questions and comments? MPP Hudak.

0930

Mr. Tim Hudak: Thank you, Chair. To Mr. Wright: Help me understand. Why would allowing this bill to pass prejudice the legal hearing?

Mr. Ian Wright: Because my concern is that a court or a judge would take a look at it and say—

Mrs. Kathryn McGarry: Point of order.

The Chair (Ms. Indira Naidoo-Harris): Point of order, Mrs. McGarry.

Mrs. Kathryn McGarry: I'm sorry. Point of order, Chair. I just want to make sure that we're not, as a committee, getting into the middle of an ongoing legal proceeding. My understanding from what the Clerk has ruled is that this particular committee is focusing on the revival of the corporation and whether the revival bill has met Ontario's requirements. I just want to ensure that we're not going too deeply into an ongoing legal dispute, of which this committee really has no jurisdiction.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much, MPP McGarry. Yes, the Clerk has advised that we stick to the facts in terms of the revival of the corporation and questions concerning the revival of the corporation and the merits of that.

MPP Hudak.

Mr. Tim Hudak: Yes, thank you. To Mr. Wright again, just to make sure I get an answer: How does al-

lowing this bill to pass or not impact on the court case in a negative way?

Mr. Ian Wright: My concern is that a judge would take a look at the revival and consider that to decide the issue about whether it should be revived based on the allegations of fraud.

Mr. Tim Hudak: Help me understand that, though.

Mr. Monte Kwinter: Madam Chair, on a point of order.

The Chair (Ms. Indira Naidoo-Harris): Yes, a point of order again, from MPP Kwinter.

Mr. Monte Kwinter: I think it's absolutely critical—this committee meets, and usually the sole reason for it meeting is to reinstate corporations that—whether they haven't paid their taxes or whatever it is. All we're looking at is: Do they meet the criteria to reinstate this corporation? If it does, that's all we have to deal with. To get involved in a legal case that we have no jurisdiction over, that has nothing to do with this committee, makes no sense, because we're now treading on areas that are not the responsibility of this committee. Again, I would ask legal counsel: Has the application for reinstatement for this corporation been met?

The Chair (Ms. Indira Naidoo-Harris): Clerk?

The Clerk of the Committee (Ms. Valerie Quioc Lim): The application has been completed according to the standing orders, and that's why now it's before the committee for consideration.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much, MPP Kwinter. Again, everybody, please stay to the facts of the revival of the corporation. We are not going to get into the legal suits surrounding what has happened before or what could happen afterwards. This is purely on the merits of Bill Pr21, An Act to revive Weiche Estates Inc.

Are there further questions or comments based on this act to revive?

Mr. Tim Hudak: Chair?

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Hudak.

Mr. Tim Hudak: Thank you. With respect, I want to exercise my responsibilities and my duties as an MPP, as a member on the committee, to make sure I understand what's before us. Again, I'd ask Mr. Wright just to clarify and help me understand your point.

Mr. Ian Wright: The compendium that you've been provided for the revival of this bill suggests that the dissolution by Martin Weiche of the company that you're being asked to revive was in furtherance of a scheme to defraud. That's contained in the compendium. That is disputed by my clients. My concern is that if a judge were to see that Weiche Estates Inc. was revived on the basis of that, the judge might come to the conclusion that there was substance to the allegations of fraud.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your comments. Again, you're going further into what could happen in a court of law following the decision that will be made here in this committee room. So I would ask now if the committee members

have any other further comments. Are there further comments or questions? Okay.

Are we ready to proceed with the vote? All right.

In the case of Bill Pr21, An Act to revive Weiche Estates Inc., shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry?

Mr. Tim Hudak: Recorded vote.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): I'm sorry; I heard—recorded vote?

Mr. Mike Colle: We're in the middle of a vote. We can't have a recorded vote. You've got to call before the vote takes place.

Ms. Jennifer K. French: My question is, quite honestly, if I can abstain and how I would go about that.

Mr. Mike Colle: You're in the middle of a vote.

The Chair (Ms. Indira Naidoo-Harris): We're in the middle of a vote. Yes, thank you very much. We are in the middle of the vote. I did ask, "Shall the bill carry?"

Mr. Tim Hudak: And I said "recorded vote."

The Chair (Ms. Indira Naidoo-Harris): I will recognize your recorded vote. We will have a recorded vote.

Shall the bill carry?

Ayes

Bailey, Colle, Kwinter, Mangat, McGarry, Vernile.

The Chair (Ms. Indira Naidoo-Harris): Shall I report the bill to the House?

Mr. Tim Hudak: Chair?

The Chair (Ms. Indira Naidoo-Harris): MPP Hudak.

Mr. Tim Hudak: Sorry, Chair. I was trying to get your attention before the vote. I just wanted to make this point, and maybe one of my colleagues wants to join me. I just don't feel that I have enough information to vote on this. My colleagues opposite feel they do, and they wanted to proceed with a vote, and voted according to their judgment. I just wanted, for the record, to indicate that I don't think we had enough material at committee to make a proper judgment. Given that the vote has taken place, I decided to abstain from the vote because I don't think we had information to make a proper decision.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your comments, MPP Hudak.

All right. Shall I report the bill to the House? Agreed.

Thank you very much for coming in, and thank you very much for your comments.

Mr. Paul Downs: Thank you.

1476263 ONTARIO INC. ACT, 2015

Consideration of the following bill:

Bill Pr22, An Act to revive 1476263 Ontario Inc.

The Chair (Ms. Indira Naidoo-Harris): Next up, we are going to look at Bill Pr22, An Act to revive 1476263 Ontario Inc. If the applicant and the sponsor would come forward, please, and take their seats.

Again, committee members, we are looking at Bill Pr22, An Act to revive 1476263 Ontario Inc. I'd like to ask the sponsor to please introduce himself, and then also the applicant.

Mr. Tim Hudak: Thank you very much, Chair and members of the committee. I'm Tim Hudak, MPP for Niagara West–Glanbrook, here as sponsor of Bill Pr22, An Act to revive 1476263 Ontario Inc. I'm joined to my right by Elaine Hristovski. Ms. Hristovski, from Brampton, Ontario, is here to revive her father's company, Neptunus Yachts. Her father—

Ms. Elaine Hristovski: We're reviving 147—

Mr. Tim Hudak: Yes, 1476263, to be absolutely accurate. Her father, William Hristovski, was the sole shareholder when the company was dissolved in 2010, which at that time transferred the shares to Elaine.

I'll tell you a little bit about her dad, William. He came from Macedonia at eight years old, along with his brothers. He accomplished many things. He was an entrepreneur. In fact, he mortgaged his mom's house and built a machine shop from the ground up, which offered services to the aerospace and military industries. Today, it is one of the top aerospace manufacturing facilities in southeastern Ontario.

In 2004, Mr. Hristovski bought a local yacht company and led it for four years. The company, Neptunus Yachts, is a yacht manufacturer in St. Catharines, Ontario, on the Niagara peninsula. It has been family-run since 2008-09.

An important part of the background here: When the economy started going downhill in 2008-09, both here and internationally, it meant that business for luxury boat vehicles—obviously, for yachts—went downhill with it. He didn't want to see the business close down or lose jobs in our province. Neptunus was going bankrupt because of a lack of a market for the business, but he decided to invest his own money to keep the company going and to keep people on the payroll. He worked hard for what it is today, and it revived. It's currently producing three to four boats a year.

Here's the issue, and Ms. Hristovski can talk a bit more about it at a technical level. The family didn't realize at the time that one of the associated companies that actually owns the St. Catharines building was going to be dissolved, and once they realized that, it was too late. Notices dissolving the company were sent to a St. Catharines building instead of their Etobicoke office, where they do business. Therefore, they never saw the notices that the company was going to be dissolved.

0940

Elaine did not have the resources to venture the revival process until now as she was mainly focused on keeping the yacht business going.

The company, 1476263, was dissolved under the Business Corporations Act on November 16, 2010. The province of Ontario now owns the property that manufactures

yachts in St. Catharines. Elaine only wants to revive it so she can continue to pay taxes, about \$80,000 a year, and manufacture the yachts. Neptunus can't keep operating if the company before us today is not revived.

Thank you, Chair, and I'll ask Elaine to say a few words about anything that I missed and a bit of her own story.

The Chair (Ms. Indira Naidoo-Harris): Yes. Go ahead.

Ms. Elaine Hristovski: He said everything. The main thing is that 1476263 owns the property that we manufacture these yachts out of currently.

Neptunus Yachts has kept up with all the taxes and paid all the responsibilities on the property, but technically, because it remains in this 1476263's name and we don't have control over that company anymore due to dissolution, that poses a problem for us moving forward, continuing to operate there, really. It should be made right, so I want to revive the company in order to regain control over the property and continue to operate the business and control the company that controls the property.

The Chair (Ms. Indira Naidoo-Harris): Are there any interested parties who would also like to make comments? Okay, we will proceed then with comments and questions from committee members. MPP Vernile.

Ms. Daiene Vernile: In the paperwork in front of us, it says that this company was dissolved for failure to comply with section 115 of the act. Can you provide some clarity on that?

Ms. Elaine Hristovski: Basically, there were notices going to the St. Catharines office, but our aerospace machine shop that Tim was mentioning resides in Oakville. That's the building that I was working out of and my father was working out of when we took over this group of companies that was this manufacturing plant in St. Catharines. I wasn't aware that there was mail going to that address that was related to this company.

By the time I collected the mail and went through it all, I saw that there were notices regarding dissolution of this numbered company. I started to investigate what that meant. I found out that it was already too late and then became aware that the company actually owned the property. But due to being focused on trying to keep the people employed and the continuity of the brand and the business going, I didn't have the resources to start the process of this private bill, which is extremely lengthy and time-consuming for myself to manage here.

We didn't appoint a director. When we questioned the lawyers, it was an oversight. There just had not been the proper paperwork filed, and it was too late by the time we tried to correct it and file it.

Ms. Daiene Vernile: To your knowledge, is there anyone or any interest that objects to your reviving this company?

Ms. Elaine Hristovski: Not to my knowledge.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments from committee members? MPP French.

Ms. Jennifer K. French: The company that we're talking about reviving was essentially accidentally dissolved due to inappropriately filed or non-filed paperwork?

Ms. Elaine Hristovski: Correct.

Ms. Jennifer K. French: Your father held all of the shares of that, so essentially it was his company?

Ms. Elaine Hristovski: Yes.

Ms. Jennifer K. French: Okay. So there are no other interested parties in this?

Ms. Elaine Hristovski: No.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments? Okay. Are the members ready to vote, then? All right.

We are examining Bill Pr22, An Act to revive 1476263 Ontario Inc.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry?

Mr. Tim Hudak: Recorded vote, Chair.

Ayes

Bailey, French, Hudak, Kwinter, Mangat, McGarry, Vernile.

The Chair (Ms. Indira Naidoo-Harris): The bill is carried.

Shall I report the bill to the House? Agreed.

All right. Thank you very much, everybody. This meeting is adjourned.

The committee adjourned at 0945.

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Wednesday 16 September 2015

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Mercredi 16 septembre 2015

Standing Committee on Regulations and Private Bills

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Comité permanent des règlements et des projets de loi d'intérêt privé

Organisation



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 16 September 2015

Mercredi 16 septembre 2015

The committee met at 0905 in committee room 1.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. Good to see you all today. I hope you all had a fabulous summer. I'm sure you were all working pretty hard, but we're back to business today.

We have one item of business this morning, so it should not be very long. The change in committee memberships has created a vacancy on our subcommittee on committee business and we need to move someone to replace Mr. Bailey as the PC representative.

Mr. Yurek, I believe you have a motion that you would like to move.

Mr. Jeff Yurek: I do. Thank you, Chair.

I move that the following change be made to the membership of the subcommittee on committee business: Mr. Bailey to be replaced by Mr. Walker.

The Chair (Ms. Indira Naidoo-Harris): Is there any discussion that the committee members would like to have on this?

Ms. Daiene Vernile: We welcome Mr. Walker to our subcommittee.

Mr. Jeff Yurek: It's going to be a great opportunity for him.

The Chair (Ms. Indira Naidoo-Harris): Okay. If not, I'm just going to ask: Shall the motion carry? All those in favour, please raise your hands. Any opposed? Great; that motion will carry. Thank you very much. That is it for this morning.

Ms. Soo Wong: We still need a motion to adjourn.

The Chair (Ms. Indira Naidoo-Harris): Yes.

Ms. Soo Wong: I move to adjourn the committee.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much. Meeting adjourned.

The committee adjourned at 0907.

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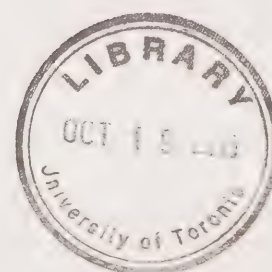
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Wednesday 7 October 2015

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Mercredi 7 octobre 2015

The committee met at 0900 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. I'd like the Standing Committee on Regulations and Private Bills to now come to order. We have three private bills to consider this morning, so let's get started.

THE GAGE RESEARCH
INSTITUTE ACT, 2015

Consideration of the following bill:

Bill Pr24, An Act to revive The Gage Research Institute.

The Chair (Ms. Indira Naidoo-Harris): I'd like to first ask the parties here for the consideration of Bill Pr24, An Act to revive the Gage Research Institute, to please come forward and take their seats.

Mr. Han Dong: Good morning, Madam Chair.

The Chair (Ms. Indira Naidoo-Harris): Good morning. Let's start with introductions. Would the sponsor please introduce themselves first and then the applicant?

Mr. Han Dong: I'm the local member for Trinity-Spadina, Han Dong. It's my pleasure to introduce Mr. James Scott. He will talk more about the bill.

Mr. James Scott: I'm James Scott. I'm a professor in the school of public health at the University of Toronto, which is just down the street from here. Am I now to present—

The Chair (Ms. Indira Naidoo-Harris): Yes, please go ahead. If you have any comments that you'd like to make, please make them.

Mr. James Scott: The school of public health at the University of Toronto, though it has a long and rich history that dates back to the 1920s, was dissolved sometime in the early 1970s. It's since been re-amalgamated from a bunch of the units that were part of those little pieces that were originally dissolved.

One of the pieces that got amalgamated into the University of Toronto was a standalone research institute called the Gage Research Institute. The Gage Research Institute was formed in 1972 as a research institute—a standalone, Ontario not-for-profit charity—whose objective was to study nontuberculous lung disease. The building originally had been the home of the National Sanitarium Association, which dealt with tuberculous

lung disease, but since that was mostly cured, this was the decision that was made.

The Gage Research Institute operated—thrived, actually—until maybe the early 2000s, at which point there was a leadership decision to dissolve it. During its tenure, it accumulated a very sizeable number of research records, particularly dealing around asthma and allergy and pediatric asthma and allergy. Thousands of patients and research subjects were followed for upwards of 20 years.

When the institute was dissolved and everything was merged into the University of Toronto, it wasn't felt that this information was particularly valuable. Well, we know now, looking back, that asthma and allergy are extraordinarily important. In the intervening 20 years, those derelict research records have emerged as being very valuable.

One of the main challenges to accessing that now is that all of the consenting had been done through the Gage Research Institute, which was dissolved. With increased attention around issues with respect to research ethics, it has made sense to us that rather than simply continuing to perpetuate the name of the Gage Research Institute on our papers, we should actually properly use the institution to be able to access these research records for ongoing research. Really, the leading issue that we have is logistically wanting to be able to tap into these research records.

Mr. Han Dong: If I may, I would just like to add that as a parent of two young kids who both suffer from food allergies and being told that there is the potential that later on in their lives they may have asthma or symptoms of it, I understand the important work that they do. I think, like many other parents who want great ways to support this type of research, hopefully one day we'll find a cure for food allergies and all that, or at least understanding them.

I'm very pleased to support this bill, and I ask the committee and the members on the committee to consider supporting it as well.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much for your comments, MPP Dong and Mr. Scott.

I am now going to find out if there are any other interested parties in the room who would like to come forward and comment on this. Okay, great.

Any questions from committee members pertaining to the applicant? Yes, MPP McGarry.

Mrs. Kathryn McGarry: As a former nurse who worked with children and asthma and TB etc., etc., I'm fascinated with the actual institute, and kudos to you for bringing this forward to take some of those records and that research from long ago and using it today. It's wonderful.

The only question I have is this: I understand that you will be a little concerned about consent. With these records, once they're released, you're able to then move forward and get proper consent under our privacy act to carry that research forward?

Mr. James Scott: Sure. As I said, in fact, all of the consenting has already been done, but it was conducted through the Gage Research Institute, not through the University of Toronto. Many of the researchers who carried out research through the Gage Research Institute had nothing to do with the University of Toronto. One of the issues that we have from the university standpoint is using this data as members of the University of Toronto and not really having any basis to transfer that consent. In a way, it's a formality, but I think it's an important formality just because of the increased scrutiny around these kinds of things.

There have been those within the university who have called just to chuck all of this stuff out, and when I hear that—particularly around very carefully collected research data—it makes the hair stand up on the back of my neck, because these are things that could potentially be very valuable and provide insight. Even though it means taking your time today and me maybe not being as prepared for my lecture at 10 o'clock as I will be, I think it's important to at least see what we can do to use these data fruitfully.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much. I understand MPP French has a question.

Ms. Jennifer K. French: I do. Thank you. So as you had said, it had been a leadership decision to dissolve it. Can you explain what was the thinking at the time?

Mr. James Scott: I'm not really clear what the thinking was at the time. The director at the time, Dr. Irvin Broder, had retired several years before it was dissolved. At that time, much of the ongoing research activity had kind of been subsumed by the University of Toronto. I think Irv just didn't really see a path forward, and there wasn't anyone at that point stepping up to take the leadership of the Gage Research Institute from him, so he felt that it just made sense to dissolve it. That was at a time when we were perhaps a little bit less concerned about asthma and allergic disease than we are now, so those records weren't nearly as valuable 20 years ago as they are today.

Since Irv is still alive, but is suffering dementia and unfortunately hospitalized—I had hoped to find a way to engage him in this process, but it just hasn't been possible.

Ms. Jennifer K. French: If I may, just as a follow-up: I see here in the compendium that you are an interested

person who, as it says here, "would be such a person if a certificate of revival is issued," referring to shareholder, director, officer. What will be your role, I guess, or title, and how does that work going forward?

Mr. James Scott: When Irv left the leadership of the Gage Research Institute, it had already migrated largely to the University of Toronto through an entity called the Gage occupational and environmental health unit. That was set up as a kind of—we have all of these arcane structures within the university, so it's an extra-departmental unit that has some powers on its own, but otherwise it needs to sit within a faculty.

0910

When I joined the university, my appointment was through the Gage occupational and environmental health unit. That was 12 years ago, and now I've ascended to the director of the Gage occupational and environmental health unit, which we don't really use anymore because now it's further dissolved into the school of public health and the division of occupational and environmental health.

Had things remained as they were, to make a complicated story maybe a little bit less complicated, I'm sort of the incumbent director in that path. I'm the one who really is the custodian of these records and is in the position of making the decision of whether to chuck them out or find a mechanism so that we can use them.

Ms. Jennifer K. French: So going forward, should there be a leadership team as a part of this?

Mr. James Scott: Yes, because it's an Ontario registered charity. As you know, there are issues around that and leadership.

We're fortunate that there is at least one remaining scientist who was originally appointed through the Gage Research Institute whom I've approached and who has expressed interest in sitting as a board member, which I think is excellent because she has institutional memory around many of these projects, so I'll definitely bring her on board. Then I've had some discussions with other people who also have a piece of it.

Ms. Jennifer K. French: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions? MPP Mangat.

Mrs. Amrit Mangat: Thank you, Mr. Scott, for your presentation. Just for my own clarification, what I understand is that the research data and research records are in the possession of the University of Toronto?

Mr. James Scott: Well, they're not really in the possession of the University of Toronto—

Mrs. Amrit Mangat: So where are they lying?

Mr. James Scott: They're in the Gage Building, in a vault in the basement of the Gage Building, but they were really never part of the assets that were transferred over to the University of Toronto. So the University of Toronto doesn't want custody of them; they'd just like them chucked out.

I even feel that to chuck them out, it should be done in the name of the Gage Research Institute. So I think that any decisions incumbent around the management of

those records actually requires the resurrection of the Gage Research Institute, whether we chuck them out or keep them.

That said, I think it would really be a pity to chuck them out.

Mrs. Amrit Mangat: So it would be easy for the Gage institution to retrieve them?

Mr. James Scott: Sure, yes. They're sitting in a vault below my office.

Mrs. Amrit Mangat: Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: Just a follow-up: Have there been any groups, individuals or ministries opposed to reviving this bill?

Mr. James Scott: No, not that I know of. I spoke with someone from charities branch and had a long discussion with her about some of the issues that were of concern to her. Based on what we wanted to do in respect of these research records, it wasn't really an issue. This is not something where we want to relaunch and set up fundraising campaigns and things like that; this is more of a scientific research objective.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): All right, thank you very much. Are members ready to vote? Okay, let's move ahead, then.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much. Thank you so much for coming in.

Mr. James Scott: Thank you to the members.

ZARA H.S.L.C.C INC. ACT, 2015

Consideration of the following bill:

Bill Pr25, An Act to revive Zara H.S.L.C.C Inc.

The Chair (Ms. Indira Naidoo-Harris): Next up, I'd like to ask the parties who are here for the consideration of Bill Pr25 to please come up.

Mr. Harinder S. Takhar: Thank you, Madam Chair. I'm pleased to introduce Salah Ali and Reema Qasem. They would like to revive Zara H.S.L.C.C Inc.

I will pass the floor to them.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much. Do the applicants have any comments they'd like to make?

Mr. Salah Ali: Thank you very much for giving us the opportunity. My wife's corporation was closed based on inappropriate advice from her accountant to prematurely close the corporation. Now the corporation is being sued, and we would like to revive it to be able to rightfully defend it.

The Chair (Ms. Indira Naidoo-Harris): Does the sponsor have any comments that they'd like to make?

Mr. Harinder S. Takhar: No. Actually, I have no comments.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Sorry. Go ahead.

Ms. Reema Qasem: Whatever was said by my husband that—when I went to the accountant after closing—not operating in the business—because of my situation with my daughter and lots of things, I'm not able to work anymore, and I asked for closing the business. My accountant was the one proceeding in closing the business and I don't know what things will happen after. After being sued, when I went to my lawyer, he said this was a wrong decision to do. That's it.

Mr. Salah Ali: So basically she stopped operating and there was really no need to close the corporation, but the accountant, after finishing all the accounting, suggested to her or maybe he asked her, "Shall we close the corporation?" and she said yes, not knowing that there could be an impending lawsuit against it.

The Chair (Ms. Indira Naidoo-Harris): So you're here today to revive the company?

Mr. Salah Ali: Please, yes.

The Chair (Ms. Indira Naidoo-Harris): Okay. I'd like to first find out if there are any interested parties in the room who would like to comment on this application.

All right. So let's move on then. Questions from committee members for the applicants involved? MPP Mangat?

Mrs. Amrit Mangat: Thank you, Chair. Ms. Qasem, as I understand, there is legal wrangling going on; right? So at the time of dissolution of the corporation, how many directors were there?

Ms. Reema Qasem: Only me.

Mrs. Amrit Mangat: Only you?

Ms. Reema Qasem: Yes.

Mrs. Amrit Mangat: Okay. So then who is suing you?

Ms. Reema Qasem: I had a partner. We were supposed to be together and twice we did incorporation—not incorporation. What do they call it?

Mr. Salah Ali: If I may answer, she had a partner and her partner now is suing her.

Mrs. Amrit Mangat: Okay. So are there any taxes pending?

Ms. Reema Qasem: Taxes?

Mrs. Amrit Mangat: Taxes, yes.

Ms. Reema Qasem: No.

Mrs. Amrit Mangat: No. Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions from committee members? MPP French?

Ms. Jennifer K. French: Just so I'm clear, it had been your intent to stop doing business, to close the business, but the accountant had advised or had then asked if you wanted to close the corporation and you—was it that you didn't understand that those were two different things?

Ms. Reema Qasem: Exactly.

Ms. Jennifer K. French: So you are wanting to revive this because, as you said, you've got someone who's suing you. What is the intent after that, at the end of that process?

Ms. Reema Qasem: To defend myself because my partner is accusing me that she was an employee, she wasn't the partner.

Ms. Jennifer K. French: Okay. And that's a separate issue, but then—okay.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there further questions from committee members for the applicants?

All right. Are we ready to vote? We're ready to vote.

So I'll ask committee members, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title carry? Carried.

Shall the preamble carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much. Thank you so much for coming in.

BAYVIEW FARMS AND ENTERPRISES LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited.

The Chair (Ms. Indira Naidoo-Harris): Next up, I'd like to ask the applicants and the sponsor for Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited, to please come up. Can I ask the sponsor to please introduce herself and the applicants?

Ms. Lisa M. Thompson: Thank you, Chair. My name is Lisa Thompson, MPP for Huron—Bruce. I'm pleased today to introduce Mr. Matt Chapman and Mr. Quinn Ross of the Ross Firm Professional Corp. They're here on behalf of applicant Peter Jeffrey and they're going to speak to Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited.

The Chair (Ms. Indira Naidoo-Harris): Do you have any comments you'd like to make?

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Mr. Quinn Ross: I do. Thank you, Madam Chair. I'd like to take a moment, if I could, to thank the committee, and specifically the staff. They've been incredibly helpful. Thank you specifically to legislative counsel and the Clerk—we couldn't have done this without your guidance and assistance—and obviously to Ms. Thompson, as well. Thank you for your help.

We are counsel for the applicant. The purpose of this bill is to revive a corporation that was dissolved voluntarily after the death of the sole shareholder. At the time of the dissolution, the corporation held five parcels of property, which consisted of two roads, two lanes and a parcel along some beachfront in our community outside

of Bayfield, Ontario. It was done inadvertently and, interestingly enough, the lawyer for the estate was also one of the four residual beneficiaries.

If we were to revive this corporation, the property that is currently escheated to the crown would obviously go back into the corporation. It would be able to be dealt with by the property owners' association. These roads and lanes form access points within a cottage community.

The applicant is also a former director of the dissolved corporation and member of the executive of the Bayview Property Owners Association, who are really the interested parties and would be the actors behind the corporation, should it be revived. It's our hope that the committee will see fit to revive it, so that the proper maintenance and care of those roads and their use can be undertaken.

For the last 20-plus years, the association has been operating this with the misconception that they were in fact the legal owners. They learned this when there were some questions raised with a new property owner as to where lot lines were and who owned what. A review was done and we came to the conclusion that the property had been dissolved.

If the property is returned to the corporation, then obviously the question of estate becomes live. There are four residual beneficiaries of the estate of the deceased, who was also the sole shareholder of the corporation. These properties were not subject to any specific gifts or legacies under the will, and as such would form residue of the estate.

The four residual beneficiaries were each contacted. They were originally provided a narrative of the situation. They were advised of their potential rights as beneficiaries. We then spoke to them individually, either as actors for the beneficiary, in the instance of the two organizational beneficiaries, or as individuals. We explained to them the situation. They were offered the opportunity to seek counsel and obtain advice. We then received affidavits from them wherein they explained that they understood the situation, as well as their formal renunciations under the will.

As such, if the corporation is revived and the property is returned, there is no beneficial interest in those properties and the corporation can be operated by the property owners' association for the benefit of those who are listed on all of the parcel registers as people who are dominant tenements, those who enjoy easements over these rights of way.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP Thompson, do you have anything else to add?

Ms. Lisa M. Thompson: This is just cleaning something up for a community to have proper access.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you very much. Are there any interested parties here who would like to be heard at this point?

Okay. Comments or questions from the committee members? Any questions? MPP McGarry.

Mrs. Kathryn McGarry: Just a quick question: Are there any opposed to the revival of this corporation?

Mr. Quinn Ross: As is required for the process, notice was given in a local newspaper, as well as in the Ontario Gazette. The community had a meeting within itself to explain this process, as funding was required for our fees. Everyone was well aware, not only those people who are direct beneficiaries but members of the cottage association. No opposition came forward.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions from committee members? Yes, MPP Walker?

Mr. Bill Walker: I'd just like to commend MPP Thompson for getting rid of more bureaucracy and administration, allowing the community to clean up something that's probably creating a lot of confusion and angst. There's no need for it, so thank you for doing that.

The Chair (Ms. Indira Naidoo-Harris): MPP Yurek?

Mr. Jeff Yurek: Surprisingly, we think alike. I think MPP Thompson is an amazing MPP representing her constituents. Thank you for doing this.

The Chair (Ms. Indira Naidoo-Harris): Okay. Are members ready to vote? All right.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

All right, thank you very much. Thank you so much for coming in today.

I would now like to adjourn this meeting. Thank you very much, everyone, for coming in.

The committee adjourned at 0925.

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**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 21 October 2015

Mercredi 21 octobre 2015

The committee met at 0900 in committee room 1.

The Vice-Chair (Mrs. Kathryn McGarry): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order.

This morning, we have three private bills to consider. We have a request, if that's okay with MPP Gélinas, to have a change in order so we would be dealing with Bill Pr26 first, as I think the sponsor has a committee meeting.

M^{me} France Gélinas: Yes.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you.

1170517 ONTARIO INC. ACT, 2015

Consideration of the following bill:

Bill Pr26, An Act to revive 1170517 Ontario Inc.

The Vice-Chair (Mrs. Kathryn McGarry): So this morning we'll call Norm Miller—I see him there—and the applicant forward to consider Bill Pr26, An Act to revive 1170517 Ontario Inc.

Mr. Norm Miller: Good morning. As you've just mentioned, this is Bill Pr26, An Act to revive 1170517 Ontario Inc. I have with me the applicant's solicitor, John Alousis, who is going to explain further what this is.

Mr. John Alousis: Good morning, honourable members. The company was—

The Vice-Chair (Mrs. Kathryn McGarry): Sorry, can I interrupt just for a second? Please introduce yourself for the purposes of Hansard. Thank you.

Mr. John Alousis: My name is John Alousis.

The Vice-Chair (Mrs. Kathryn McGarry): Please continue.

Mr. John Alousis: The company was dissolved voluntarily back in 2011. In actual fact, it was March 23, 2011. The company at that time still owned a piece of property. It had been intended to transfer that property prior to the dissolution. The transfer was prepared, it was signed and it was ready to be registered. Inadvertently, it wasn't actually registered until two months after the date of dissolution. So in order to deal with the property, we require that the company 1170517 Ontario Inc. be revived.

The Vice-Chair (Mrs. Kathryn McGarry): Are there any interested parties in the room that want to speak to this? Are you finished?

Mr. John Alousis: The principal of the company is 70 years old. She lives in Bracebridge. I would have had to wake her up at 3:30 today to get her down here. So I asked her if she wouldn't mind just staying home.

The Vice-Chair (Mrs. Kathryn McGarry): Okay. Thank you. Are there any interested parties to speak to this bill? Seeing none, are there any questions from the government side? MPP Mangat?

Mrs. Amrit Mangat: Thank you, Chair. Thank you for your presentation. Can you explain what the nature of the company was? Because all I know is, it's a numbered company.

Mr. John Alousis: All the company did was hold certain pieces of property. It was in the Port Carling area. The bulk of the properties had been sold and this was the last remaining property. It was being transferred into the names of the principals. Unfortunately, the husband has since passed away, and the wife wishes to complete the sale of her property. Her home and this property are being sold together.

Mrs. Amrit Mangat: So can you elaborate on the circumstances which led to the dissolution of the company?

Mr. John Alousis: It was a voluntary dissolution. The intent was that they actually complete the transaction back in 2011 and then go ahead and dissolve the company to wrap things up. It was all a matter of timing. The documents were actually signed on March 9 for the transfer. The registration of the voluntary dissolution occurred on March 23, 2011. The actual registration of the transfer didn't occur until May 2011. We did not discover the fact that the dissolution preceded the transfer until the spring of this year.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): MPP Vernile?

Ms. Daiene Vernile: Thank you very much for getting up early and making the trip here this morning.

I just have a number of technical questions, out of curiosity. Why do you want to revive the company? For what purpose?

Mr. John Alousis: What happens is the property itself is automatically transferred to the crown unless it is revived. So in order to retain ownership in property transferred on to future generations, we need the corporation revived.

Ms. Daiene Vernile: And the property itself, the piece of land, is there a building on it, a home?

Mr. John Alousis: No. It was more of a recreational property across the street from their main home.

Ms. Daiene Vernile: Do you know what the value might be on that property?

Mr. John Alousis: Probably about \$30,000.

Ms. Daiene Vernile: So it's just an empty lot sitting there.

Mr. John Alousis: Yes.

Ms. Daiene Vernile: Okay. Thank you very much.

The Vice-Chair (Mrs. Kathryn McGarry): Any further comments? MPP Gélinas?

M^{me} France Gélinas: I think you've answered my question, but I just wanted to put it on the record: This is the only piece of property left to this company?

Mr. John Alousis: Yes.

M^{me} France Gélinas: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions or comments from committee members?

Are the members ready to vote? Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried. Thank you.

422504 ONTARIO LTD. ACT, 2015

Consideration of the following bill:

Bill Pr23, An Act to revive 422504 Ontario Ltd.

The Vice-Chair (Mrs. Kathryn McGarry): The next sponsor we have is MPP Gélinas. I'll have you introduce your applicant.

M^{me} France Gélinas: Good morning, everyone. I'm France Gélinas, MPP for Nickel Belt. With me is solicitor Alesia Sostarich. You have to practise that name to pronounce it correctly, Madam Chair, let me tell you. She has made the trip all the way from Sudbury-Nickel Belt to represent one of my constituents, who is in a very similar situation to the previous case you just heard. I will let Ms. Sostarich explain that to us.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. You may proceed.

Ms. Alesia Sostarich: My name is Alesia Sostarich and I'm here on behalf of the applicant, who is my client, Mrs. Joan Giroux.

The purpose of this bill is to revive a corporation, 422504 Ontario Ltd., which was dissolved in 1985. It was originally incorporated in 1979, and it was dissolved in 1985 for non-filing of returns.

The company was incorporated by my client's husband. The intention was a real estate holding company. He had acquired three pieces of real estate early on. For whatever reason—my understanding is because the company was not making any money, they believed they

did not have to file the necessary tax returns, which led to the dissolution for non-filing.

My client's husband passed away in October 2008. He was the sole shareholder of the corporation. Following the passing of her husband, my client wanted to deal with the properties that were owned by the corporation. When she came to our law firm, she came to realize that the corporation had been dissolved and therefore she could not deal with the properties held in the corporation. The corporation holds one apartment building with seven units in Sudbury, which is vacant, and it holds two residential homes that are both being occupied by other family members, by sisters or other relatives.

At this point in time, my client would like to be able to sell the apartment building, which is vacant, and be able to transfer the two residential homes to the family members who currently occupy those homes. Those are the circumstances that led to this. My client, obviously, became aware that she would need to revive this corporation in order to deal with the real estate. That is why I'm here today.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. Are there any interested parties who wish to speak to Bill Pr23, An Act to revive 422504 Ontario Ltd.? Seeing none, I move to any questions from the government side. Seeing none, any interested party from the others? MPP French?

Ms. Jennifer K. French: I don't know that I'm an interested party, but I do have a question. According to the compendium, it had originally been dissolved due to non-filing. Is everything in order, then, in terms of: Everything has been appropriately filed so that we're—

Ms. Alesia Sostarich: It has been. Yes, it has.

Ms. Jennifer K. French: Just making sure.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions? Are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried. Thank you very much.

M^{me} France Gélinas: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Committee members, we're going to have a two-minute recess just prior to the next bill being heard.

The committee recessed from 0911 to 0917.

LARRY BLAKE LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr27, An Act to revive Larry Blake Limited.

The Vice-Chair (Mrs. Kathryn McGarry): We'll now continue dealing with Bill Pr27, An Act to revive Larry Blake Limited. Thank you, MPP Walker.

Mr. Bill Walker: I'd like to introduce Christopher John Clapperton, who is the solicitor for the estate.

Interjections.

The Vice-Chair (Mrs. Kathryn McGarry): The sponsor will be Gila Martow.

Mrs. Gila Martow: A bill to revive Larry Blake Limited: The name, address and telephone number of the applicant is Estelle Gotfrit, being the estate trustee of the estate of Ida Bleistift, also known as Ida Blake, the “estate.” The applicant’s address is 9 Bayview Forest Lane, Thornhill, Ontario, L3T 7S4 and her telephone number is 905-882-4445.

The name, address and telephone number of the applicant’s solicitor or parliamentary agent, if any: The applicant’s solicitor is Christopher John Clapperton of Clapperton Munro Law, Barristers and Solicitors, 305-2489 Bloor Street West, Toronto, Ontario, M6S 1R6. His telephone number is 416-443-1200.

Citations of any precedents used in the drafting of the bill and an up-to-date consolidation of existing legislation that is amended by the bill, see standing order 86(c)—

The Vice-Chair (Mrs. Kathryn McGarry): Excuse me, Ms. Martow?

Mrs. Gila Martow: We’re good?

The Vice-Chair (Mrs. Kathryn McGarry): Yes, we’re good. You can ask the applicant to carry on with any comments. Thank you.

Mrs. Gila Martow: Great. Thank you very much.

Mr. Christopher Clapperton: Good morning. My name is Chris Clapperton. I am the solicitor counsel for Estelle Gotfrit, and Estelle Gotfrit is the daughter of Mrs. Blake, who we’re talking about, and the sole estate trustee of her mother’s estate.

The bill is to revive a holding company that this family had had for many years. The company was originally—all the shares were owned by Lawrence Bleistift, who went by the name Larry Blake. He changed his name when he came to Canada. He ran an operating business for some years—I believe it was in the garment district, in the garment industry—for about 40 years.

When he retired, the company became essentially a holding company. All it held were mutual funds and some other securities, administered by CIBC Wood Gundy. Mr. Blake, or Mr. Bleistift, passed away January 31, 2010. When he died, all the shares then passed to his surviving wife, his widow, Ida. Ida then subsequently passed away on February 11, 2013.

I was consulted by the four children. They were all named as estate trustees of her estate, but because they were spread all over Ontario, three of the children renounced their right to be appointed as estate trustee and my client Estelle Gotfrit, one of the daughters, went on on her own. All of her siblings consented. We got a probate or the certificate of appointment. In the course of administering the estate—they came to me in the spring of 2013. About a year later, then, we had the certificate and we were administering the estate.

One of the assets of the estate of the mother, Ida Bleistift or Ida Blake, were the shares of this holding company. So I approached CIBC Wood Gundy to

liquidate everything, and we were going to wind up the company. CIBC Wood Gundy asked us for a certificate of status and a form 1. They just wanted to, for compliance purposes, make sure the company existed and that we had all appropriate directors and officers signing off.

Well, lo and behold, we find out that two months earlier, on January 24, 2014—and we were doing this in March 2014—one of the sons, who had been a director of the company but was not an estate trustee of the estate, thought he was going to be helpful and he voluntarily dissolved the company, thinking that he was cleaning things up.

So, unfortunately, we were not able to get our certificate of status, and for the last couple of years, \$249,965.10 of cash has been sitting in a cash account with CIBC Wood Gundy.

So that’s where we’re at. There are no other assets of this company. All tax filings are up to date. They weren’t able to get the dissolution through without having all of the tax returns up to date. They got tax clearance from both federal and provincial governments, but unfortunately, the son wasn’t talking to the daughter and through inadvertence, this company got dissolved.

We’re looking to revive it for the short period of time to liquidate, take the money out of the company and then they’re going to voluntarily dissolve it again. That’s where we’re at.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you very much. I see no interested parties in the room, so I’m going to move to questions from committee members on the government side. MPP Vernile.

Ms. Daiene Vernile: Thank you very much for coming in. May I ask you: Is everyone in the family in agreement with this? Is there any acrimony among the siblings or family members?

Mr. Christopher Clapperton: None whatsoever. The rest of the estate has been fully administered at this point in time. They’re a very close family; they just happen to be scattered all over.

Ms. Daiene Vernile: Okay, thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any other questions from the opposition members? Seeing none, we will move to vote, if the members are ready? Good.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Thank you, members. It’s carried.

Congratulations.

Mr. Christopher Clapperton: Thank you very much.

The Vice-Chair (Mrs. Kathryn McGarry): Committee members, with no further business, the meeting stands adjourned.

The committee adjourned at 0924.

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Wednesday 4 November 2015

Journal des débats (Hansard)

Mercredi 4 novembre 2015

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



Chair: Indira Naidoo-Harris
Clerk: Christopher Tyrell

Présidente : Indira Naidoo-Harris
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 4 November 2015

Mercredi 4 novembre 2015

The committee met at 0902 in committee room 1.

The Vice-Chair (Mrs. Kathryn McGarry): Good morning, committee. The Standing Committee on Regulations and Private Bills will now come to order. We have three private bills to consider this morning.

563523 ONTARIO LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr29, An Act to revive 563523 Ontario Limited.

The Vice-Chair (Mrs. Kathryn McGarry): The first one is Bill Pr29, An Act to revive 563523 Ontario Limited. I understand that the sponsor this morning will be Mr. Bill Walker.

Mr. Bill Walker: It will.

The Vice-Chair (Mrs. Kathryn McGarry): Yes, thank you.

Mr. Bill Walker: Okay. I thought it was Gila.

Interjection.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Walker will sponsor the bill and the applicant can come forward.

Mr. Bill Walker: I'm happy to fill in for my colleague Gila Martow. I'll introduce—

Mr. David Aiken: David Aiken.

Mr. Bill Walker: David Aiken. David, you just basically introduce yourself—

Mr. David Aiken: Oh, wait a minute; I think I'm the wrong person.

Interjection.

Mr. Bill Walker: I'll correct my record: I would like to introduce Adelchi Franzolini.

Interjection: No.

Mr. Bill Walker: No? Wow.

The Vice-Chair (Mrs. Kathryn McGarry): Elizabeth A. Bottos.

Mr. Bill Walker: I'm really on a roll today.

Ms. Elizabeth Bottos: I'm Elizabeth Bottos.

Mr. Bill Walker: Elizabeth Bottos, who will introduce herself, to make sure we have it correct.

Interjection: You need your glasses on.

Mr. Bill Walker: I think so.

The Vice-Chair (Mrs. Kathryn McGarry): Go ahead and state your name for the purposes of Hansard, and then you have up to five minutes to explain the situation. Thank you.

Ms. Elizabeth Bottos: Good morning, Madam Chair and members. I'd like to thank Ms. Martow for sponsoring the bill and Mr. Walker for stepping in this morning. My name is Elizabeth Bottos. I am counsel for the applicant, Adelchi Franzolini.

This corporation was dissolved administratively on June 25, 1994, for failure to file special notices. The failure was inadvertent. There was a requirement between 1992 and 1995 for Ontario corporations to file a special notice and pay a \$50 filing fee each year. The penalty for failure to do so could be dissolution, as is what happened to this corporation. The failure was inadvertent. It wasn't discovered. Unfortunately, if a corporation has been dissolved for 20 years or more, it can only be revived by a bill such as the bill before you. If it had been discovered earlier, it would have been a relatively simple process to revive it with articles of revival.

The corporation is a holding company and it holds assets in another corporation that holds various assets. It is contemplated that there will be transactions in the future dealing with these assets.

The dissolution was discovered last fall. The client asked me to bring their minute book up to date, and as part of bringing the minute book up to date, I did a corporate search, and that's when I discovered that they were dissolved. We immediately started the process to revive, which has been a relatively lengthy process. Unfortunately, we discovered it in the fall of 2014. Had it been discovered in the spring of 2014, it would have been a much easier process to revive. So we've had to follow the process that it can only be revived now by a bill. So that's why I'm here.

The Vice-Chair (Mrs. Kathryn McGarry): Okay, thank you. Are there any interested parties in the room who would like to provide any comments?

Seeing none, are there any questions from the government side?

Seeing none, are there any from this side of the table? No. Okay. So no other questions.

Are the members ready to vote, then? I'll ask Mr. Walker to come back to his seat.

Committee, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

And shall I report the bill to the House? Yes.

Thank you very much, Ms. Bottos. You may step down.

Ms. Elizabeth Bottos: Thank you all very much.

1064514 ONTARIO INC. ACT, 2015

Consideration of the following bill:

Bill Pr30, An Act to revive 1064514 Ontario Inc.

The Vice-Chair (Mrs. Kathryn McGarry): Now we'll call Bill Pr30, An Act to revive 1064514 Ontario Inc. Thank you, Mr. Walker, for stepping in as sponsor again. I will allow you to make any comments and introduce the applicant.

Mr. Bill Walker: Thank you very much, Madam Chair. On behalf of my colleague, Gila Martow, I'd like to introduce David Aiken.

Mr. David Aiken: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Go ahead. Could you state your name for the purposes of Hansard? You have up to five minutes to give some comments.

Mr. David Aiken: My name is David Aiken and I'm acting as agent for Robert K. Moore, who is—was, I guess—the principal of 1064514 Ontario Inc. The company existed for the purpose of holding investments in publicly traded securities, and filings at the time were up to date. Robert Moore was somewhat reluctant to continue on with the company and decided, on the advice that was received at a party, to voluntarily dissolve the company. The person who gave him this advice assisted him with filing articles of dissolution.

At the time that that was done, he was oblivious and unaware of what the income tax consequences would be. At that time, I met with Mr. Moore and advised him of what the consequences were and he stated, "Had I been aware of that, I never would have gone ahead to dissolve the company." I inquired as to whether filings were up to date at the time and there was one filing that was outstanding. Having encountered that, I was wondering how articles of dissolution could have been granted and how a letter of consent from the Ministry of Finance could have been acquired.

Upon inquiry, I was told by the Ministry of Finance that at the time the articles of dissolution were filed, filings at the time were up to date, notwithstanding that there was one that was outstanding, but the outstanding one was not yet due. It was on that basis that the articles of dissolution were granted.

We tried to take the short route by applying for articles of revival and were told that we were not permitted to pursue that route. Accordingly, we're sitting here today. With the assistance of members of the ministry, amongst whom was Mr. Tyrell, we were able to formulate the bill, acquire someone to sponsor it, and we're here today with the purpose of reviving this company.

0910

The Vice-Chair (Mrs. Kathryn McGarry): All right, thank you. Are there any interested parties in the room who would like to speak to this bill? Seeing none, are there any questions from the government side? Ms. Mangat.

Mrs. Amrit Mangat: Thank you for your presentation. Are there any groups or persons, known or unknown, who are opposing the revival of the corporation?

Mr. David Aiken: No.

Mrs. Amrit Mangat: None?

Mr. David Aiken: None.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions? Any questions from the opposition parties? Seeing none, are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Merci.

Thank you for coming in this morning.

Mr. David Aiken: Thank you.

PRECISION PIPE MANUFACTURING INC. ACT, 2015

Consideration of the following bill:

Bill Pr31, An Act to revive Precision Pipe Manufacturing Inc.

The Vice-Chair (Mrs. Kathryn McGarry): The next bill we're calling is Bill Pr31, An Act to revive Precision Pipe Manufacturing Inc. The sponsor this morning is Ms. Mangat. Ms. Mangat, will you introduce yourself?

Mrs. Amrit Mangat: Thank you, Chair. My name is Amrit Mangat, MPP for Mississauga–Brampton South. On behalf of my colleague Glenn Thibeault, the member for Sudbury, I would like to introduce Mr. John Hanninen—

Interjection: No, Richard.

Mrs. Amrit Mangat: —Mr. Richard Hanninen, the solicitor for Precision Pipe Manufacturing Inc.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. You may introduce yourself for the purposes of Hansard. You've got five minutes to present some comments. Thank you.

Mr. Richard Hanninen: Good morning. My name is Richard Hanninen. I was the owner of Precision Pipe. It was dissolved in 2013 at the suggestion of the accountant, who instructed the lawyer to dissolve it, and it was done. There were some assets that were still within the company. I was offered to purchase these assets, and when we went to try to sell them, the lawyer pointed out that there was a dissolution of the company in 2013 and it couldn't be sold. The only way to do this, I was told, was to revive this company, and that's why I'm here today.

That's about it. Pretty simple.

The Vice-Chair (Mrs. Kathryn McGarry): All right, short and simple. Thank you.

Are there any comments from interested parties in the room? Seeing none, are there any comments or questions from the government side? Seeing none, are there any questions or comments from the opposition parties? Seeing none, are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Good.

Thank you very much.

Mr. Richard Hanninen: Thank you.

SUBCOMMITTEE REPORT

The Vice-Chair (Mrs. Kathryn McGarry): Now we'll deal with the subcommittee report. I understand that Ms. Vernile has the subcommittee report.

Ms. Daiene Vernile: Would you like me to read it into the record?

The Vice-Chair (Mrs. Kathryn McGarry): I would, yes. Thank you.

Ms. Daiene Vernile: Your subcommittee met on Tuesday, November 3, 2015, to consider the method of proceeding on Bill 85, An Act to strengthen and improve government by amending or repealing various Acts, and recommends the following:

(1) That the committee meet in Toronto on Wednesday, November 18, 2015, during its regular meeting time, for the purpose of holding public hearings.

(2) That the committee Clerk, in consultation with the Chair, place a notification of public hearings on the Ont.Parl channel, the Legislative Assembly website and Canada NewsWire.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 5 p.m. on Friday, November 13, 2015.

(4) That all witnesses will be scheduled on a first-come, first-served basis.

(5) That witnesses be offered up to 10 minutes for their presentation, followed by nine minutes for questions divided equally among the three parties.

(6) That the deadline for written submissions be Wednesday, November 18, 2015, at 5 p.m.

(7) That the committee Clerk, on behalf of the committee, write to the Ministry of the Attorney General requesting briefing materials on the bill.

(8) That, for administrative purposes, proposed amendments to the bill be filed with the committee Clerk by 5 p.m. on Thursday, November 19, 2015.

(9) That the committee meet on Wednesday, November 25, 2015, for clause-by-clause consideration of the bill.

(10) That the Clerk of the Committee, in consultation with the Chair, is authorized immediately to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Chair, I want to suggest an amendment, but I understand we're going to be voting on this first.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile, I think I'll have you read the amendment first, please.

Mr. Jeff Yurek: Could we have a copy of the amendment, please?

The Vice-Chair (Mrs. Kathryn McGarry): Do we have a copy of the amendment?

Ms. Daiene Vernile: We can get a copy for you—if the Clerk would like to get a photocopy. May I read it first, and then we'll get it—

Mr. Jeff Yurek: No, we want a copy of it so—

The Vice-Chair (Mrs. Kathryn McGarry): We'll get the copy, and we'll have a five-minute recess while that happens.

Ms. Daiene Vernile: Thank you.

The committee recessed from 0918 to 0923.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. So all members have a copy of the amendment now?

Mr. Bill Walker: Yes.

The Vice-Chair (Mrs. Kathryn McGarry): Is there any discussion?

Ms. Daiene Vernile: Would you like me to read it into the record, Chair?

The Vice-Chair (Mrs. Kathryn McGarry): Yes, please read it into the record now.

Ms. Daiene Vernile: I move that paragraph 5 of the subcommittee report be amended as follows: the words "up to 10 minutes" be deleted and replaced with "up to five minutes."

Chair, the reason I'm suggesting this is that if we stay with 10 minutes, it's going to mean that we're only going to hear from three people, at the most, on the morning of November 18, whereas if we go back to the five which was originally suggested—and I believe, Mr. Walker, you were okay with that at the time when we chatted about it yesterday—we're going to be able to hear from up to five people on the morning of the 18th.

We of course are going to invite people to give us written submissions if they can't make it on the morning of the 18th, and if there is great demand, if we have many witnesses who come forward and do want to speak to us—although I suspect not, because this is not a controversial bill, and we all agreed to this in the House—then we can always extend to 10 minutes.

But again, my suggestion here with this amendment is about being able to hear from more people on the morning of November 18. Rather than just three, we can go to five if there's the demand for that.

The Vice-Chair (Mrs. Kathryn McGarry): Any discussion?

Mr. Bill Walker: I'm a little confused, because I thought the discussion yesterday was that we could go into the afternoon if we needed to, and we wanted 10

minutes because five minutes was very much rushed. Certainly the member from the NDP made it pretty clear that he felt that was extremely rushed. We may not have a large volume, and that's why we all agreed to leave it as up to 10 minutes—they don't have to have 10 minutes, but we can give up to 10 minutes. So I'm kind of challenged as to why we're going back to five when we were all in agreement.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile?

Ms. Daiene Vernile: Well, at the time, I was trying to be accommodating. I looked, though, at the schedule, and several of us on this committee here also sit on the Select Committee on Sexual Violence and Harassment. We are sitting that afternoon, writing our report, so we would have to be subbed in. It's about a capacity issue.

Again, it's not a controversial bill. I think that within five minutes, if people are concise, they are able to get their point across. As the case is, many times a particular side will give up their time to allow a person more time if they need to speak. I know we'd be willing to do that. It's about being able to hear from more people.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French and then Mr. Walker.

Ms. Jennifer K. French: Just as a point of clarification, I wasn't able to participate in the subcommittee, but my colleague, I believe, was under the impression, as I think Mr. Walker just said, that there was the understanding that, should there be more people coming in the morning or more people interested in speaking to the committee, there would be time to extend into the day. It's my understanding now that you have said, after leaving that subcommittee meeting and checking your schedule, that you won't be able to attend in the afternoon, and therefore we are minimizing their time in the morning to allow for more people in the morning, because there cannot be an extension during the day.

Mr. Bill Walker: My concern would be—I respect that you have a busy schedule, but there are 56 of you, so that's the whole reason to have subs for committee. I don't want to subvert someone who's coming here and wants to share that information because of a scheduling issue that may or may not even arise.

I thought we had consent for the 10 minutes. I feel it's needed for people to have up to their 10 minutes. So this is quite a shock.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile.

Ms. Daiene Vernile: Mr. Walker, I do recall that yesterday you were in agreement to the five minutes when we first began suggesting this. It was Mr. Singh who stepped in and wanted to extend it, but at the time, you were in agreement initially to the five.

It is a capacity issue; it's challenging. We are here, though, to listen to the people who come and speak to us. It's not just the select committee that is meeting that day. We have three committees that are meeting on that day.

What I can say is that we do want to accommodate people when they come. I would suggest that we agree to

the five minutes but, if we have more people who do want to appear before us, that we can extend.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French and then Mr. Yurek.

Ms. Jennifer K. French: I guess, just for my own understanding, when you say "we can extend," what does that mean? Because if it's in writing here that it's up to five minutes, do you mean extend the five minutes, or do you mean if there are more people than there is time during that time, the regular meeting time for committee, that we can extend into the day, regardless of conflict, or is it extend and postpone to another time? I'm not sure what "extend" means.

Ms. Daiene Vernile: If we only have three people as witnesses who sign up and want to appear before us, then by all means, let's allow them to speak for 10 minutes each, because we have the time in the morning.

However, if there are more than three that wish to appear, we may have to find a different day at a different time in order to sit and meet.

I take us back to the fact that this is a non-controversial bill. We all agreed to this in the House. I don't see that there's going to be an issue with this.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Yurek.

Mr. Jeff Yurek: I'm just bringing forward that yesterday, in the subcommittee, in talking with Mr. Walker, he may have agreed to a five-minute discussion, but he also was of the understanding, under an agreement, under your party, that there would be an extension in the afternoon, if need be. Now, you're pretty much saying there isn't going to be the availability to extend in the afternoon.

I would be supportive of this amendment, if we were going to pass the amendment, to start to put it in writing that, if need be, we will extend committee. We can't just go on your word at this point, because your word yesterday was that you would extend in the afternoon, and you come to us today and it's not going to happen.

We need this as a written amendment, going forward, to support this amendment.

Ms. Daiene Vernile: Just to clarify, Mr. Yurek, within a committee like this—and I have sat on a number of committees. I sit on four committees, and I often see amendments coming and going, and members agreeing on various changes. This isn't the first time that there has ever been an amendment to discuss a possible change.

In terms of extending, perhaps it could be another day other than a Wednesday. I'm just asking you, considering that this is not a controversial bill, and we don't know at this point how many witnesses are going to step forward, and we do want to expedite it—because there are going to be more bills coming before this committee—does it make sense for us to listen to witnesses for five minutes and, if they need more time, we can certainly give up our speaking time with them, and we can accommodate more people?

Mr. Jeff Yurek: Thanks for sharing your experience. I too sit on a number of committees, and have sat in the

House a little longer. I do see amendments come and go. However, what I've learned over the years is, anything can change when it's a verbal agreement, but once we have it in writing and voted on, we tend to see the committees stay true to the object of the amendments and the written, passed amendments.

I think my request still stands, that we'd need support from this government that the availability to extend committee time is down in writing, to support your word that you gave the subcommittee yesterday.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Walker.

Mr. Bill Walker: The other thing I just want to add is that member Vernile is suggesting we would give up our speaking time. I'm not certain how we can do that and do our due diligence. We may not know what's going to arise. We're assuming it's going to be non-controversial, but there could be a clause in there that we want to discuss. If we're subverting and trying to minimize that time and then suggesting, before we even get in there, we'll give up our time, I don't think that's fair to the process.

What we're supposed to do here is do our job, and legislate and give proper time. I am concerned that we would just unilaterally say, "We'll give up our time." I don't know what questions are going to arise; I don't know what the information is going to be. To say, "I'm going to give them more time and give up my time to ask questions"—I don't think that's allowing me to do my job. I'm very concerned from that perspective.

We agreed to the 10 minutes, up to 10 minutes. To my colleague's thought process, if we're going to be guaranteed that if we need, on behalf of the public, to extend it to more days for more time for the committee to meet, then I'm okay with it. But I don't like the thought that we're just going to try to ram—because we're presuming there are not going to be any challenges or conflicts. How do we know that?

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile.

Ms. Daiene Vernile: Just to provide clarity to Mr. Yurek, you said that amendments don't occur after it's been voted on. We haven't voted on this yet. We're discussing it still, and I would hope that we could have an open and fulsome conversation about this amendment that will allow us to hear from more people.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Yurek.

Mr. Jeff Yurek: Actually, my point was that yesterday in subcommittee, you promised to extend the afternoon. You've come to us today saying that you will not extend to the afternoon, and now you're saying that you will extend if we do need to extend it. I'm just asking that you put that in writing so we can have that right in front of us in black and white so we know the committee will stick to that agreement.

You seem to be flip-flopping back and forth on what you will and what you won't do.

Ms. Daiene Vernile: No, I'm not, Mr. Yurek. We have this in front of us and now I have an amendment. It happens quite frequently within committees.

Mr. Jeff Yurek: No, I'm not talking about your five-minute talk. Yesterday in subcommittee, you told Mr. Walker you will extend in the afternoon if needed. You came to committee and said that you're not going to do that now. Ms. French spoke up and now you're saying that you may do that. I'm just asking let's put this in writing.

Ms. Daiene Vernile: My suggestion is that we try to accommodate more people and we do that with five-minute presentations.

Chair, I'm just going to ask for a five-minute recess, if I may.

The Vice-Chair (Mrs. Kathryn McGarry): Okay, a five-minute recess.

The committee recessed from 0932 to 0938.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, committee. We are discussing the proposed amendment. Is there further discussion? Any further discussion? Ms. Vernile.

Ms. Daiene Vernile: Yes, I have a question for the Clerk. Mr. Clerk, if we are needing to bump back sections 6 through 10, can you please instruct us on how to do that?

Mr. Bill Walker: "Bump back"?

Ms. Daiene Vernile: We would hold it for subcommittee for further discussion.

The Clerk of the Committee (Mr. Christopher Tyrell): So you're looking to only approve sections 1 to 5—

Ms. Daiene Vernile: Yes.

The Clerk of the Committee (Mr. Christopher Tyrell): —or bump them back by a week?

Ms. Daiene Vernile: Is it possible to do that, or would you rather have us have a new subcommittee meeting?

Chair, may I ask for another five minutes?

The Vice-Chair (Mrs. Kathryn McGarry): Yes, we'll have another five-minute break.

Ms. Daiene Vernile: We're trying to make this work, so we want to be accommodating. If I may have another five minutes.

The Vice-Chair (Mrs. Kathryn McGarry): A five-minute recess.

Ms. Daiene Vernile: Thank you.

The committee recessed from 0939 to 0954.

The Vice-Chair (Mrs. Kathryn McGarry): The committee will resume. We have an amendment on the floor that we've been discussing. Ms. Vernile, did you want to say something about that?

Ms. Daiene Vernile: In the spirit of co-operation and moving this forward, I would like to move that in the event that more witnesses wish to appear on November 18, 2015, than can—

The Vice-Chair (Mrs. Kathryn McGarry): I would just like to interrupt. We have another amendment on the floor. It either needs to be voted on or withdrawn, and then we can entertain another amendment.

Ms. Daiene Vernile: Chair, I would like to withdraw the previous amendment and put before you this new amendment.

The Vice-Chair (Mrs. Kathryn McGarry): Okay. Would you please read it into the record?

Ms. Daiene Vernile: I move that in the event that more witnesses wish to appear on November 18, 2015, than can be scheduled, the committee sit for an additional day of public hearings on November 25, 2015, and the timeline in the subcommittee report in paragraphs 6, 8, and 9 be rescheduled to one week after the respective dates.

This would allow us to respect the 10-minute witness proceedings.

The Vice-Chair (Mrs. Kathryn McGarry): Any discussion? Mr. Walker.

Mr. Bill Walker: Just a point of clarification, because I think I'm confused on one thing. When we say "day," we actually only have an hour, right? That's what we're scheduled—

The Vice-Chair (Mrs. Kathryn McGarry): An hour and 15.

Mr. Bill Walker: An hour and 15, sorry—and if we wanted to go into an afternoon, we have to take that back to the House and ask for unanimous consent?

Interjection.

Mr. Bill Walker: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Further discussion? All right. Are the members ready to vote on the amendment? All those in favour? Any opposed? That's carried.

Now we'll move on to the subcommittee report, as amended. Any further discussion? Seeing none, are the members ready to vote? All those in favour of the Standing Committee on Regulations and Private Bills subcommittee report, as amended? Any opposed? Carried.

With no further business, committee, we stand adjourned.

The committee adjourned at 0956.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair / Présidente

Ms. Indira Naidoo-Harris (Halton L)

Vice-Chair / Vice-Présidente

Mrs. Kathryn McGarry (Cambridge L)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Ms. Jennifer K. French (Oshawa ND)

Mr. Monte Kwinter (York Centre / York-Centre L)

Mrs. Amrit Mangat (Mississauga-Brampton South / Mississauga-Brampton-Sud L)

Mrs. Kathryn McGarry (Cambridge L)

Ms. Indira Naidoo-Harris (Halton L)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Mr. Bill Walker (Bruce-Grey-Owen Sound PC)

Mr. Jeff Yurek (Elgin-Middlesex-London PC)

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Mr. Christopher Tyrell

Staff / Personnel

Ms. Susan Klein, legislative counsel



Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 25 November 2015

Journal des débats (Hansard)

Mercredi 25 novembre 2015

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 25 November 2015

Mercredi 25 novembre 2015

*The committee met at 0906 in committee room 1.*STRENGTHENING AND IMPROVING
GOVERNMENT ACT, 2015
LOI DE 2015 SUR LE RENFORCEMENT
ET L'AMÉLIORATION
DE LA GESTION PUBLIQUE

Consideration of the following bill:

Bill 85, An Act to strengthen and improve government by amending or repealing various Acts / Projet de loi 85, Loi visant à renforcer et à améliorer la gestion publique en modifiant ou en abrogeant diverses lois.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. The purpose of today's meeting is clause-by-clause consideration of Bill 85, An Act to strengthen and improve government by amending or repealing various Acts.

Vanessa Yolles, I'm just going to point out, is our legislative counsel. She's just sitting over here and she is ready to assist us with our work if we have any questions.

A copy of the amendments should be on each of your tables in front of you. I think we're ready to get started. Are there any questions before we begin? Okay.

To make our way through the clause-by-clause effectively, I'm going to suggest that we stand down the three sections of the bill and deal with the schedules first. This is just in terms of being more efficient with our morning. Are we agreed on this?

Mr. Lorenzo Berardinetti: Agreed.

The Chair (Ms. Indira Naidoo-Harris): Agreed. Thank you.

I would also like to suggest that consecutive sections with no amendments be grouped together. Members may request, of course, to vote on each section individually, but if we understand that there are no amendments that have been drawn to our attention at this point, I'm going to group those sections together, again, for efficiency. Agreed? Okay.

Are we ready to begin then? Thank you very much.

We will proceed, then, with schedule 1 of the bill. As you can see, there are no amendments on sections 1 through 4 of schedule 1 to the bill. Do we have any

debate or comments on these sections? Shall sections 1 through 4 of schedule 1 carry? Carried.

Shall schedule 1 of the bill carry? Carried.

There are no amendments on sections 1 and 2 of schedule 2 to the bill. So that's sections 1 and 2 of schedule 2 to the bill. Do we have any debate or comments on these sections? Shall sections 1 and 2 of schedule 2 carry? Carried.

Shall schedule 2 of the bill carry? Carried.

As you can see, there are no amendments on sections 1 and 2 of schedule 3 to the bill. Do we have any debate or comments on these sections? Again, we are discussing sections 1 and 2 of schedule 3 to the bill. Okay. Shall sections 1 and 2 of schedule 3 carry? Carried.

Shall schedule 3 of the bill carry? Carried.

Moving on, there are no amendments on sections 1 through 12 of schedule 4 to the bill. Do we have any debate or comments on these sections? Shall sections 1 through 12 of schedule 4 carry? Carried.

Shall schedule 4 of the bill carry? Carried.

There are no amendments on sections 1 through 5 of schedule 5 to the bill. That's sections 1 through 5 of schedule 5 to the bill. Any debate or comment on these sections? Shall sections 1 through 5 of schedule 5 carry? Carried.

Shall schedule 5 of the bill carry? Carried.

0910

There are no amendments on sections 1 through 3 of schedule 6 to the bill. That's sections 1 through 3 of schedule 6 to the bill. Any debate or comments on these sections? Okay, we'll proceed. Shall sections 1 through 3 of schedule 6 carry? Carried.

Shall schedule 6 of the bill carry? Carried.

There are no amendments on sections 1 through 9 of schedule 7 to the bill. Any debate or comments on these sections? Shall sections 1 through 9 of schedule 7 carry? Carried.

We are now dealing with an amendment. We're at section 10 of schedule 7. Amendment number 1 is an NDP amendment. Mr. Singh, would you like to read it into the record?

Mr. Jagmeet Singh: Yes, please. Thank you very much, Madam Chair.

I move that subsection 10(6) of schedule 7 to the bill be struck out.

The Chair (Ms. Indira Naidoo-Harris): Is there any debate on this? Mr. Singh.

Mr. Jagmeet Singh: I should just provide some explanation. This motion works in tandem with motion 3. It's simply a technical motion in order to make our third motion work. The intent of this motion is essentially to ensure that we have a province-wide standard for patient transfers in the province of Ontario. This would keep the standards within the purview of the Ministry of Transportation, and it would ensure that we have the highest quality of patient transfers in our province.

The Chair (Ms. Indira Naidoo-Harris): Any further comments? MPP Berardinetti.

Mr. Lorenzo Berardinetti: We will be opposing this amendment because the government's bill, as written, will help ensure an easier transition for stretcher transportation operators moving from the existing system to the new one. If we were to support this amendment, it would remove this transitional provision, which we want to keep in there. So we'll be opposed to that motion.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: Certainly, the government wants to regulate stretcher transportation services to protect passengers and ensure safety, and we have proposed a motion that's just a little bit further along, 2.1, that will cover some of these things under the commercial vehicle operator's registry. We'll oppose this only because we've got a motion that's going to cover all these pieces that's already in place.

The Chair (Ms. Indira Naidoo-Harris): Further comments or questions? MPP Vernile.

Ms. Daiene Vernile: Just to add further to what MPP McGarry has said, the proposal that we are going to be presenting addresses concerns that were raised by the Ombudsman. We are certainly going to be speaking to that.

The Chair (Ms. Indira Naidoo-Harris): All right. Further comments? Are we ready to vote on amendment 1, an NDP amendment pertaining to schedule 7, subsection 10(6) of the bill? All those in favour? Opposed? It's lost.

Amendment number 2 is a government amendment. Would a Liberal member like to read that into the record?

Mr. Lorenzo Berardinetti: I can do that.

The Chair (Ms. Indira Naidoo-Harris): MPP Berardinetti.

Mr. Lorenzo Berardinetti: I want to withdraw the motion. We're going to withdraw it, so we're not going to read it into the record.

The Chair (Ms. Indira Naidoo-Harris): MPP Berardinetti is suggesting that we withdraw this amendment. It's withdrawn.

Let's move now to amendment number 2.1. This is again a government amendment. Would one of the members here like to read it into the record?

Mr. Lorenzo Berardinetti: Motion 2.1?

The Chair (Ms. Indira Naidoo-Harris): MPP Berardinetti, motion 2.1.

Mr. Lorenzo Berardinetti: I move that section 10 of schedule 7 to the bill be amended by adding the following subsection:

"(7) Subsection 22(2) of the act is repealed and the following substituted:

"Fees

"(2) The registrar may set fees, subject to the approval of the minister, for the application for and for the renewal and replacement of CVOR certificates."

The Chair (Ms. Indira Naidoo-Harris): Any debate or comments? MPP McGarry.

Mrs. Kathryn McGarry: This is really a housekeeping item. Since Bill 85 was drafted, a separate regulation was created, through the ongoing PRRT process, which will require applicants for a commercial vehicle operator's registration to now pay their fees up front rather than after the fact. In the previous process, the applicant would pay after. The fees were paid when it was completed, so those who weren't successful in getting the application usually ended up not paying.

It's really to address the lost revenue. The government amendment will ensure that this regulation is changed in Bill 85, where the applicant will pay the fees up front, before they apply for this particular amendment.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP McGarry. Any further comments or debate? MPP Singh.

Mr. Jagmeet Singh: Just to understand that, I think, then, the only difference was replacing "application for" instead of "issuance of," and the reason provided is to ensure that there's more revenue?

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: It is addressing the lost revenue from the administrative costs that are associated with administering the CVOR program.

But I also wanted to address that any regulation regarding stretcher ambulance services will be addressed by the commercial vehicle operators' registry, which already has those regulations in place. This is precisely why we wanted to replace the motion that the NDP introduced in motion 1 with this particular one, because those concerns are already addressed in this legislation.

From a ministry perspective, the regulation will improve business certainty and will create a level playing field for all service providers.

The Chair (Ms. Indira Naidoo-Harris): Any other further comments or debate? Are we ready to vote on amendment number 2.1? Okay, let's vote.

We're voting on amendment number 2.1, a government amendment pertaining to schedule 7, subsection 10(7) of the bill. All those in favour? All those opposed? That amendment is carried. All right.

Any further debate on section 10 of schedule 7 to the bill, as amended?

Ms. Daiene Vernile: Madam Chair, I would recommend bundling the next number of votes, if we can.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): If I can just say, we've been doing that by bundling them already, but we do need to vote on section 10, as amended, of schedule 7.

Ms. Daiene Vernile: Thank you, Chair. Bundling is good.

The Chair (Ms. Indira Naidoo-Harris): Shall section 10, as amended, of schedule 7, carry? Shall section 10, as amended, of schedule 7, carry? Carried.

There are no amendments on sections 11 through 24 of schedule 7 to the bill. Do we have any debate or comments on these sections? Again, that's sections 11 through 24 of schedule 7 to the bill. Any debate or comments? Are we ready to vote?

Shall sections 11 through 24 of schedule 7 carry? Carried.

Section 25 of schedule 7—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Amendment number 3 in your package—sorry—is an NDP amendment. Mr. Singh, would you like to read it into the record?

Mr. Jagmeet Singh: I move that section 25 of schedule 7 to the bill be struck out and the following substituted:

“25. Part X.2 of the act is repealed and the following substituted:

0920

“Part X.2

“Medical transportation services

“Definition, part X.2

“191.5 In this part,

““medical transportation service” means a service that is designated by the minister and that offers transportation to the public, primarily for medical purposes, within, to or from a municipality, but does not include an ambulance service that is licensed under the Ambulance Act.

“Medical transportation services

“Provincial standards

“191.6(1) The minister shall establish standards for the operation of medical transportation services.

“Content

“(2) The standards established under subsection (1) shall address the following matters:

“1. Vehicle safety.

“2. Vehicle equipment safety.

“3. Staff qualifications.

“4. Infection control.

“5. Quality of service.

“6. Passenger distress.

“7. Any other matter that the minister considers necessary or advisable.

“Complaint procedure

“(3) The minister shall ensure that there are procedures for initiating complaints to the ministry regarding medical transportation services and for how the ministry deals with complaints.

“Penalty

“(4) Every person who contravenes a standard established under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

“Regulations, medical transportation services

“191.7 The minister may make regulations designating types of services to be medical transportation services and types of vehicles that may be used to provide medical transportation services.”

The Chair (Ms. Indira Naidoo-Harris): Thank you so much, MPP Singh. I understand from the Clerk that since the earlier amendment that was proposed by the NDP was voted down, this amendment is now out of order.

MPP Singh?

Mr. Jagmeet Singh: That's correct. When I initially moved motion 1, I did indicate that they were linked. The failure of motion 1 would now render this motion unable to proceed in a full manner.

Just for the record, though, the purpose of this motion, again, was to provide a clear, standardized regulation with respect to standards for patient transfers in the province. I think it was an important motion to bring. But thank you very much, Madam Chair, for your ruling.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much, MPP Singh. Okay, let's—MPP McGarry?

Mrs. Kathryn McGarry: I'm sorry. I just wanted to add just a comment, really, in relationship to MPP Singh. I wanted to reiterate that Bill 85 will bring stretcher transportation service operators under the existing CVOR regime. It already stipulates many of these specifications, so the amendment is redundant.

I just wanted to say that the government is concerned for patient safety and public safety. That's why we're moving forward to bring this under that CVOR regime.

The Chair (Ms. Indira Naidoo-Harris): Thank you for your comments, MPP McGarry. Are we ready to move on? MPP Walker.

Mr. Bill Walker: Just again, for the record, certainly I hear in my riding a fair bit about this and I think that's maybe why the member from the NDP was bringing this up—standardization and minimum standards that everyone is playing by. Because there certainly are, I think, concerns. Hopefully that will be addressed in this bill to ensure standardization, but most importantly, public safety.

The Chair (Ms. Indira Naidoo-Harris): All right, I think we're ready to move on. Are we ready to move on? Shall section 25 of schedule 7 carry? Carried.

There are no amendments on sections 26 through 28 of schedule 7 to the bill. Do we have any debate or comments on these sections? Shall sections 26 through 28 of schedule 7 carry? Carried.

Section 29 of schedule 7: We are now looking at amendment number 4 in your package. It is an NDP amendment. Mr. Singh, would you like to read it into the record?

Mr. Jagmeet Singh: Yes. Actually, I can make the following comments: Again, this motion was linked to

the previous motions, motions 1 and 3. Since 1 failed and 3 was unable to proceed, now 4 is in a similar position. It wouldn't be necessary, given the failure of 1 and 3.

Again, this was to establish what Mr. Walker was alluding to as well, that there is a need for standardization within the province for patient care, for public safety; and we proposed certain very clear standards for that. They were not passed. I also echo the concerns of Mr. Walker. Hopefully the government will, through regulation, address these concerns. I think the way in which it was presented, in a clear piece of legislation, would have been better, but at this point, I will withdraw motion 4.

The Chair (Ms. Indira Naidoo-Harris): In section 29 of schedule 7, amendment number 4 in our package has been withdrawn.

Shall section 29 of schedule 7 carry? Carried.

Shall schedule 7 carry?

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Shall schedule 7, as amended, carry?

Thank you, everyone, for being patient.

Ms. Daiene Vernile: We know what you meant, Chair.

The Chair (Ms. Indira Naidoo-Harris): Things are changing.

We're now going to return to the sections of the bill that we've talked about earlier.

Going back, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 85 carry? Carried.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): My apologies. Shall Bill 85, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

That concludes our business for today. Our meeting is adjourned.

The committee adjourned at 0926.

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Mercredi 24 février 2016

Standing Committee on
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STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 24 February 2016

Mercredi 24 février 2016

The committee met at 0901 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everybody. The Standing Committee on Regulations and Private Bills will now come to order. We're here this morning to consider three private bills that will be followed by consideration of the draft report on recommendations made in 2014. But first, we're going to get started with the three private bills this morning.

ASSOCIATION OF MUNICIPAL
MANAGERS, CLERKS AND
TREASURERS OF ONTARIO ACT, 2016

Consideration of the following bill:

Bill Pr32, An Act respecting the Association of Municipal Managers, Clerks and Treasurers of Ontario.

The Chair (Ms. Indira Naidoo-Harris): We're going to ask the sponsor and the applicant for Bill Pr32 to come up and take a chair at the front here and introduce yourselves, please.

Thank you. Good morning. Would the sponsor please make any comments and introductions?

Ms. Eleanor McMahon: Good morning, Chair. It's my pleasure to introduce to you here today, and to the committee, Chris Wray, president of AMCTO, as well as Jody E. Johnson, solicitor.

The Chair (Ms. Indira Naidoo-Harris): The applicant: Do you have any comments that you'd like to make?

Mr. Chris Wray: Good morning. Thank you very much for seeing us here today and considering our bill. Special thanks to MPP McMahon, who has generously offered to sponsor the bill. My name is Chris Wray and I'm the president of the Association of Municipal Managers, Clerks and Treasurers of Ontario, or AMCTO. To my right is Jody Johnson, who is our legal counsel. Jody will soon speak to our act, but for context, I'd like to give you just a quick sense of who we are and what we do.

AMCTO is a self-regulating organization that fosters and sustains municipal professional excellence. AMCTO is Canada's largest voluntary association of local government professionals and the leading professional development organization for municipal administrative staff.

The association provides leadership, education and services to the municipal profession through its accreditation programs, learning opportunities, governing and

discipline mechanisms, and government advocacy work. In this way, we advance skill development for municipal professionals and fulfill a public protection function as well.

Our organization represents about 2,400 municipal professionals across the province of Ontario with membership in all of the 444 municipalities. We also work closely with other associations: staffing associations such as the Municipal Finance Officers' Association and political organizations like the Association of Municipalities of Ontario, Rural Ontario Municipal Association, Ontario Good Roads, etc.

Ms. Jody Johnson: Thank you very much, Chris. Thank you very much for your sponsorship of the bill this morning. It's greatly appreciated.

The AMCTO has applied for special legislation to re-enact its governing act. As a brief bit of background, the association was originally incorporated by letters patent dated November 20, 1962, under the name of the Municipal Clerks and Finance Officers Association of Ontario. It changed its name by supplementary letters patent dated October 8, 1965, to the name of the Association of Municipal Clerks and Treasurers of Ontario, and it was continued under that name by the Association of Municipal Clerks and Treasurers of Ontario Act, 1985.

The association changed its name to its current form by supplementary letters patent dated February 17, 2000, but it still goes by the acronym known around the province as AMCTO even though there are now two "M"s.

The governing act also establishes the AMCTO designations, which include the accredited municipal professional, the accredited municipal clerk, the certified municipal officer and the accredited municipal clerk-treasurer.

I know you have the compendium which outlines the objectives of AMCTO's act, but we've also provided a chart today that briefly summarizes the changes from the 1985 act to the proposed bill that's in front of you today.

There are four main changes to draw the committee's attention to. First and foremost, the governing act would reflect the true name of the association which, as I indicated, was updated in 2000. This was really one of the main reasons that started AMCTO down the road of updating the governing act.

Second, AMCTO wanted to update the designations that the act establishes. Some of these designations have

changed over time through the association's bylaws and some of them no longer exist and aren't included, but these changes have yet to be reflected in the governing act. The re-enacted legislation will do just that.

Third, at the same time, the association wanted to undertake some general housekeeping steps to modernize the act. Certain definitions were improved; certain provisions were removed and are really better placed in the association's bylaws, such as the corporate governance matters, so that we don't end up with conflicting pieces of information as times goes on.

We thank very much and give our great thanks to Ms. Klein, legislative counsel, for her guidance in terms of language used throughout the act to tighten it up with respect to congruency with other similar types of legislation for professional associations throughout the province.

Finally, the act will repeal the 1985 act.

That is really an overview of what this piece of legislation does. We would be happy to take any questions that the committee might have.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much for your comments. Before we continue, I'm just going to make sure if there are any other interested parties who would like to comment on this before we proceed with questions. Okay, great.

Does the committee have any questions? Any questions from members? Are members ready to vote, then? All right, let's move ahead with the voting.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much for coming in. We very much appreciate your comments.

Ms. Jody Johnson: Thank you very much, Madam Chair and committee members.

STEPHANIE HOLDINGS LTD. ACT, 2016

Consideration of the following bill:

Bill Pr33, An Act to revive Stephanie Holdings Ltd.

The Chair (Ms. Indira Naidoo-Harris): We're going to move to our next private bill to consider this morning. I am going to ask those here with Bill Pr33, An Act to

revive Stephanie Holdings Ltd., to please come on up, the sponsor and, of course, the applicants themselves.

Mr. Peter Tabuns: Good morning, Chair. It's my pleasure to be here to introduce Patricia Virc, who will be speaking on behalf of the applicant. This bill deals with a corporation that lapsed and, it's my understanding, holds a piece of property in my riding that's vacant, contaminated and needs to be cleaned up and sold.

0910

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Ms. Patricia Virc: Yes. My client is Sami Benaich. I'm a lawyer at Steinberg Title. The only comment is that the company lapsed for failure to make its corporate filings and it would like to revive the company in order that it may transact with respect to the property.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Just before we continue with questions or comments, are there any other interested parties here today who would like to come up and speak?

All right. Questions, then, from committee members: Do you have any questions for the applicant? Yes, MPP McGarry?

Mrs. Kathryn McGarry: Thank you very much. Can you describe to us why it lapsed to begin with and why we need to—I guess, what happened to have them lapse?

Ms. Patricia Virc: It was dissolved for failure to make its corporate filings. I have information that it did not file its special notice and pay its fees. In order to make this application, it had to rectify that, which it has done.

Mrs. Kathryn McGarry: Okay. Do you think that there will be any of that in the future, or do you think that, if we pass this, there will be no further issues with filing on time?

Ms. Patricia Virc: I believe that the purpose of the request is so that it can transact with the property, and I presume that means a sale, because the property has been doing nothing for a number of years.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Baker?

Mr. Yvan Baker: Can you just talk about the property and what's been happening on the property since the dissolution?

Ms. Patricia Virc: I was advised that the property was being used by a related party, so that it was not generating any income and the owner of the property just didn't do anything in respect to the property for a number of years.

Mr. Yvan Baker: Okay. And are there any environmental concerns with the property? Has there been any kind of remediation or anything like that that's—

Ms. Patricia Virc: I'm not aware of anything like that.

Mr. Yvan Baker: Okay.

The Chair (Ms. Indira Naidoo-Harris): Further comments or questions from the committee members?

Okay, great. Then are we ready to move ahead, ready to vote? All right.

Shall section 1 of Bill Pr33 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Great. Thank you very much.

Mr. Peter Tabuns: Thank you very much.

1709542 ONTARIO CORPORATION ACT, 2016

Consideration of the following bill:

Bill Pr35, An Act to revive 1709542 Ontario Corporation.

The Chair (Ms. Indira Naidoo-Harris): We are now moving on to Bill Pr35, An Act to revive 1709542 Ontario Corporation. Can we have the applicant please introduce themselves—or the sponsor to please introduce themselves?

Mr. Chris Ballard: Yes, good morning, Chair. I'm pleased to be here today to sponsor Bill Pr35, An Act to revive 1709542 Ontario Corporation. To speak further on the bill is the applicant, Mr. To.

Mr. Larry To: Hello. Good morning, committee members. My name is Larry To. I'm from Markham. I'm here to revive the corporation 1709542, which was prematurely dissolved. In order to file a tax return—the file is with the CRA right now—I need to come here to revive this corporation.

The Chair (Ms. Indira Naidoo-Harris): Okay, thank you. Are there any other people in the room who'd like to make a comment? Anyone else?

Great. Let's move on to committee members, then. Do you have any questions for the applicant or sponsor?

Ms. Daiene Vernile: Chair?

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Vernile?

Ms. Daiene Vernile: If I may ask the applicant: Were you the one who put forward the application to dissolve it? You say it was prematurely dissolved.

Mr. Larry To: Yes. I was ill-advised by my accountant. I misunderstood his intentions.

Ms. Daiene Vernile: Why did he tell you to dissolve?

Mr. Larry To: I wanted to dissolve the company because I no longer needed to use this company, and I was not aware that in order to do some tax returns, I needed the company to be active.

Ms. Daiene Vernile: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments from committee members? MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for appearing today. So is your intention, then—once you file and do what you need to, will you be keeping the

company or will you be dissolving it after you've completed all the tax—

Mr. Larry To: Well, at this time, I'll make sure I'll be doing the proper procedures and I'll dissolve it properly.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further comments? Okay. Are we ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much. Thank you for coming in.

Mr. Larry To: Thank you, committee members. Thank you, everyone.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): We are now going to move on to our next item on the agenda, which is the consideration of the draft report on regulations made in 2014.

I'll just wait till the Clerk finishes handing everything out.

Research officer Andrew McNaught is here with us today and he's going to walk us through the report. What we're going to do is proceed section by section, issue by issue. We'll pause after each section or issue to find out if committee members would like to have further discussion on the issue or the recommendations.

Andrew, do you want to go ahead?

Mr. Andrew McNaught: Good morning. I'm Andrew McNaught of the legislative research service, but I'm here this morning as counsel to the committee as it considers the draft report on regulations. I'll just point out, before we start, that the report in front of you was prepared by my colleague Tamara Hauerstock. She cannot be here today, so I'm filling in.

Now, for those of you who may not be familiar with the committee's regulations mandate, I'll just begin with a quick overview of that mandate and then we can go through the report.

The standing committee's regulations mandate is set out in section 33 of the Legislation Act and in standing order 108. These provisions require the committee to examine regulations made under Ontario statutes to ensure that they have been made in accordance with the nine guidelines set out in the standing order. Just at this point, I'd refer you to the separate handout that you should have, and that's a copy of standing order 108(i). You'll see, in the middle of that, the nine guidelines.

It should be stressed that the guidelines are simply technical rules of drafting that should be followed when a regulation is being made. The standing orders expressly state that the committee is not to consider the merits of or the policy underlying a regulation.

The two guidelines that are most frequently cited in committee reports are guideline (ii), which provides that there should be authority in the statute to make the regulation, and guideline (iii), which provides that a regulation should be written in clear and precise language.

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Now, for the last many years, the research officers of the research service—that is, those of us who are also lawyers—have acted as counsel to the committee and have conducted the regulations review on the committee's behalf.

Just very quickly, the review process we've developed over the years is as follows: We review all of the regulations made under Ontario statutes each year and identify potential violations of the guidelines. We then write letters setting out our concerns to the ministry legal branches responsible for those regulations. If we feel that a ministry response does not adequately address the issues we've raised, we include a discussion of that regulation in a draft report to the committee.

When considering the draft report, the committee has, basically, three options: You can report a regulation with recommendations; you can report a regulation without recommendations; or you can decide not to report the regulation at all. Once the draft report is finalized, it's tabled in the Legislature.

I'll just stop there and see if there are any questions about the committee's mandate or its role. If not, then we'll go to the draft report.

You'll see it's the draft report on all regulations made in 2014. If you turn to page 1, you'll see that we begin with what is really our standard introduction, which is basically a quick overview of the committee's mandate. As the Chair just mentioned, we're going to go section by section here, so I'll just stop and see if there are any questions about the introduction.

I'll just give you a very quick overview of the next section, which is the statistical section of the report, at the bottom of page 1. You'll see that we note here that over the previous 20 years, the average number of regulations filed was 527. The 312 regulations filed in 2014 were well below that 20-year average. This information is set out on the bar chart that you see at the top of page 2.

Starting at the bottom of page 2, we set out a series of tables showing the number of new and amending regulations that were filed in 2014 as well as the number of regulations that were revoked. The statistical section runs to the bottom of page 4, and I'll just stop there to see if there are any questions about that.

The Chair (Ms. Indira Naidoo-Harris): I'm going to ask the committee members—oh, sorry, MPP Vernile.

Ms. Daiene Vernile: I'm curious about the fact that we're way down in 2014. Any insights on that, as to why there were so few regulations filed?

Mr. Andrew McNaught: I don't have any hard evidence, but historically, there's been less legislative activity in election years, so I think that might partially explain that.

Ms. Daiene Vernile: That makes sense.

The Chair (Ms. Indira Naidoo-Harris): I'm just going to ask the committee: Would you prefer to go through each area, or go straight to the issues that have been highlighted in the report for discussion?

Mr. Andrew McNaught: We're about to go to that now.

The Chair (Ms. Indira Naidoo-Harris): Okay. All right.

Mr. Andrew McNaught: I just thought I'd go through the introduction. The substantive part of the report begins at the bottom of page 4, under the heading "Regulations Reported." Now, as Tamara has noted here, we reviewed 312 regulations and wrote letters to nine ministries inquiring about 15 regulations. After considering the ministry responses, we've decided to report five regulations under the two guidelines that I mentioned earlier. Those were guideline 2, the statutory authority guideline, and guideline 3, which is the clarity-of-language guideline.

Just again, a word of caution: The issues that we discuss here are very technical, and as I said before, they do not involve a discussion of the merits or the policy underlying a regulation. The question is strictly whether the regulation was drafted in accordance with the committee's guidelines.

At the top of page 5, under "Ministry of the Attorney General," we discuss a regulation that was made under the Legal Aid Services Act, 1998. This regulation prescribes several documents that Legal Aid Ontario is required to make available on its website. These documents relate to the financial eligibility requirements that applicants for legal aid certificates must meet.

Tamara has raised a couple of issues here. The first is that, when we looked at the LAO website, the versions of the documents that had been posted there were different from the versions that are mentioned in the regulation. Specifically, the regulation refers to version 1.1 of these documents, whereas the documents posted on LAO's website were version 1.2. In addition, the title of one of the documents on the website did not match the title mentioned in the regulation. A third issue is that the older versions of the documents were not readily available, as required under the Legislation Act.

The ministry has explained that the version number and title of the documents that were posted on the LAO website were inadvertently changed when the documents were modified to meet accessibility standards. The ministry has also indicated that the correct versions of the documents, as well as the older versions that were required under the Legislation Act, are now posted on LAO's website. At the bottom of page 5, we're suggesting that, in light of the ministry's response, we would report the regulation without any recommendations.

I'll just stop there to see if there are any questions.

The Chair (Ms. Indira Naidoo-Harris): Questions or comments? MPP Walker?

Mr. Bill Walker: So just for clarification, you're suggesting, then, that it is in compliance now.

Mr. Andrew McNaught: Yes.

Mr. Bill Walker: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further comments? Okay. Let's move forward, then.

Mr. Andrew McNaught: Over on page 6, under "Ministry of Education," this is a regulation made under the Education Act and it concerns the calculation of annual grants to school boards. I'll just forewarn you, this is a very technical issue that concerns the precision-of-language guideline.

In reviewing this regulation, we noticed that, in setting out the method for calculating the average daily enrolment, which is a component of the school board funding formula, the regulation refers to "a number" resulting from the calculation. In our view, since the formula calls for the calculation of a very specific number, we wondered why the regulation doesn't refer to "the number."

As it turns out, somewhat to our surprise, the ministry agrees with us and has said that it would consider replacing "a number" with "the number" when the next annual regulation is made. At the bottom of page 6, we're proposing to report the regulation without a recommendation.

The Chair (Ms. Indira Naidoo-Harris): Questions or comments? MPP Ballard?

Mr. Chris Ballard: It's a simple question: Does your office follow up in years ahead to see that "a number" has changed to "the number"?

Mr. Andrew McNaught: Yes, but, first of all, of course, the committee's recommendations are not binding. But we do monitor responses and you'll see, at the end of this report, we do have a chart indicating whether the ministry has followed up in response to our recommendations.

Mr. Chris Ballard: Good. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Shall we move ahead?

Mr. Andrew McNaught: At the top of page 7, under "Ministry of Energy," we are reporting a regulation made under the Electricity Act, 1998. In very general terms, the regulation allows the IESO, which, as you know, is the Independent Electricity System Operator, to make adjustments to the various payments that are made within the electricity system to ensure that electricity pricing reflects the cost of supply.

Now, in making these adjustments, the IESO uses a document called the NAICS, which is the North American Industry Classification System. That document is incorporated by reference into the regulation we are discussing here. Specifically, the regulation refers to the NAICS "as amended or revised from time to time."

Now, a general rule under the Legislation Act is that a regulation may only refer to an external document as it exists at a certain point in time. A regulation may not incorporate documents as they are amended or revised unless there is express authority in the act to do so. This, by the way, is known as "rolling incorporation."

In this case, the Electricity Act does not expressly authorize rolling incorporation, so we raised this issue

with the Ministry of Energy. You'll see, towards the bottom of page 7, that the ministry has committed to reviewing the matter, so we're suggesting that we report the regulation without a recommendation.

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The Chair (Ms. Indira Naidoo-Harris): Questions or comments? MPP French.

Ms. Jennifer K. French: Sorry, just in this section here, the ministry stated that it would like to take this opportunity to further review. Does that mean that they are committing to review, or just in a perfect world they'd like to, or—

Mr. Andrew McNaught: Well, it appears to me that they're committing to reviewing the issue; they are not guaranteeing that they're going to change the wording of the regulation.

Ms. Jennifer K. French: There are lots of things I would like to do but I'm not committing, so I was curious if your instinct there is that—

Mr. Andrew McNaught: I have no way of knowing whether they actually considered this when they drafted the next regulation, but that's what they've said in the letter.

The Chair (Ms. Indira Naidoo-Harris): MPP Baker?

Mr. Yvan Baker: I know that NAICS is a pretty standardized classification system. I know it from my business days in the private sector. I understand the flag you've raised, but, pragmatically speaking, is there an alternative? Is this a situation where they need to put something in there and so they've used this classification system, or could the reg work without this?

Mr. Andrew McNaught: What they're trying to do is incorporate the document as it changes over time. The issue we've identified is that the act doesn't explicitly authorize a regulation to do that.

Mr. Yvan Baker: Right.

Mr. Andrew McNaught: In practical terms, yes, they're using this document, as amended, but we're saying, for drafting purposes, there should be authority in the statute to allow for rolling incorporation.

Mr. Yvan Baker: Okay.

The Chair (Ms. Indira Naidoo-Harris): MPP French?

Ms. Jennifer K. French: I recall that we've had enthusiastic discussions at this committee about rolling incorporation before, so I wonder if we're going to see it again as this committee rolls forward. Is this fairly usual, that various acts don't have the authority, or it's not written in the act that they have the authority, to take advantage of the rolling incorporation? Because as I recall, with the bus matter that we had dealt with extensively before, I think we were all appreciating the need for regular updates and incorporating new information and updated documents as we went. Is this perhaps something that, across a number of acts, needs to be added in so that this fine-tuning that we do here isn't necessary?

Mr. Andrew McNaught: Yes. I know that Tamara has raised this issue before and it appears to come up at

least once or twice with each year's batch of regulations. It may simply be a function of the fact that we're dealing with older statutes that predate the Legislation Act, which I think was 2006. That's where it sets out this rule about requiring explicit authority to make regs that allow for rolling incorporation. The Electricity Act was made in 1998, and there is probably a number of other statutes that perhaps should be updated to reflect that rule.

Ms. Jennifer K. French: Is it outside of our scope, recognizing, as you have said, our recommendations are not binding, but can we as a committee recommend that, over time, acts that predate the Legislation Act be considered, that this rolling incorporation be something that they look at for all of them?

Mr. Andrew McNaught: Well, a very literal interpretation of the committee's mandate might preclude that, but I don't see that it would be a major problem, unless somebody wants to object. We could include, I suppose, a general recommendation that the ministries review legislation for this issue.

Ms. Jennifer K. French: Because as I recall, rolling incorporation is something that—we want things to be updated, we want them to use the most current versions of the materials available. It's always going to be “overlook, overlook, overlook,” just let them put it through and have this conversation time after time, which seems a bit silly.

The Chair (Ms. Indira Naidoo-Harris): MPP Baker?

Mr. Yvan Baker: I know where you're coming from on this. To my view, it's been flagged for the ministry. To my view, they have an opportunity now to review this. I know what you're trying to achieve and I respect what you're trying to achieve. I think the flip side is recommending that they update legislation.

I just think we have to be careful about that, because there may be other implications we're not conscious of. My suggestion would be that we leave the report as is and see if they can go back and address the issue.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Other comments?

So the suggestion is to leave it as is because there is a review already suggested to them.

Ms. Jennifer K. French: Reactive versus proactive; got it.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Shall we move on?

Mr. Andrew McNaught: At the bottom of page 7, under “Ministry of Government and Consumer Services,” we're discussing a regulation made under the Collection and Debt Settlement Services Act. Just by way of background, in 2014, the Collection Agencies Act was renamed the Collection and Debt Settlement Services Act to reflect the addition of new rules for debt settlement companies. Under these rules, registered collection agencies, as well as collectors working for collection agencies, may provide debt settlement services.

The regulation in question amended the general regulation to the act to require collection agencies and collectors that provide debt settlement services to keep records pertaining to debt settlement agreements and to provide those records to the Registrar of Collection Agencies on request.

Now, the issue we've flagged here is that while the act authorizes regulations requiring collection agencies to keep records, it does not expressly authorize regulations requiring collectors who work for collection agencies to keep those records. Again, a very technical point.

The ministry actually acknowledges the lack of explicit authority here, but then says that this authority is implied in another section of the act. That other section provides for regulations dealing with the terms and conditions collectors must meet in order to be eligible for registration under the act. Specifically, the ministry is saying that the authority to make regulations prescribing the terms and conditions of registration includes, by implication, the power to require collectors to keep and produce records.

As Tamara set out here, our position is that the terms and conditions of registration are a separate matter from the requirement to keep records and that there should be explicit authority in the act to require collectors to keep records. So at the top of page 9, we're proposing to report the regulation with a recommendation that the regulation-making power in the act pertaining to records be amended to include a specific reference to collectors.

The Chair (Ms. Indira Naidoo-Harris): Questions, comments? MPP Walker.

Mr. Bill Walker: So a point of clarification: In the descriptor, you suggest that the “debt settlement services keep certain records on their premises.”

Mr. Andrew McNaught: Yes.

Mr. Bill Walker: But in the actual recommendation, you don't include the words “on their premises.” Was there any specific reason for that?

Mr. Andrew McNaught: I can't tell you that. Tamara is the one who drafted that regulation.

Mr. Bill Walker: I can ask Tamara.

Mr. Andrew McNaught: You'd be a good reviewer of regulations. We could certainly add that.

Mr. Bill Walker: It just seems specific, that you want them there. I'm not certain where she was going, but it would seem to me that they want them there so that in a timely manner, if you walk in, you can say, “I want to see these.” Just keeping them—they could be on a cloud somewhere that you're not going to be able to access.

The Chair (Ms. Indira Naidoo-Harris): MPP Baker?

Mr. Yvan Baker: My only point was that maybe if the records are electronic, and as we move more towards electronic records, requiring something—I don't know that that would be considered “on their premises” and therefore requiring it on the premises may impose an unnecessary administrative burden on it. That would be my caution against inserting it, not knowing implications of what that would require.

Mr. Bill Walker: Exactly.

Mr. Yvan Baker: So I'd recommend leaving it as is.

The Chair (Ms. Indira Naidoo-Harris): Further comments, questions? So we'll just move on then.

Mr. Andrew McNaught: Following that recommendation, at the top of page 9 we raise a second potential problem with the regulation under the Collection and Debt Settlement Services Act. Specifically, the act and the regulation each contain sections that deal with the trust accounts that collection agencies are required to maintain to hold the money they collect. We thought it might create some confusion to have two sections dealing with the same issue.

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On the one hand you have a section of the act which states that collection agencies are required to maintain trust accounts at banks and other designated financial institutions, but at the same time you have a section of the regulation which essentially restates this requirement and then adds a further requirement: that the account must be named the Collection and Debt Settlement Services Act Trust Account.

The question we had for the ministry is, why are the requirements pertaining to trust accounts set out in two different locations? The ministry didn't really directly address this point in its response, but said that the regulation is necessary because it prescribes the additional requirement that trust accounts must have a specific name.

As Tamara has set out in the middle of page 10, our concern continues to be that a person reading either the act or the regulation in isolation would get an incomplete picture of the requirements pertaining to trust accounts. So our recommendation in the middle of page 10, recommendation 2, is to report the regulation with a recommendation that either the act or the regulation be amended so that the trust account requirements are located in one place.

The Chair (Ms. Indira Naidoo-Harris): Comments on the recommendation? Okay. Let's move forward.

Mr. Andrew McNaught: Okay. Towards the bottom of page 10—you'll be glad to know this is the last regulation we're reporting—that's under the Ministry of Municipal Affairs and Housing. This is pretty straightforward. It was a regulation made under the Line Fences Act, which, you may or may not know, sets out an arbitration process for resolving disputes over fences located in between two properties.

The regulation in question prescribes forms pertaining to this arbitration process, but we notice that whereas the regulation refers to forms dated May 2014, the forms that are actually available on the ministry's website are dated January 2015. You'll see that the ministry acknowledges the inconsistency and has committed to taking steps to amend the regulation so that it refers to the later edition of the forms. At the top of page 11 we're proposing to report the regulation without a recommendation.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker?

Mr. Bill Walker: Just a point, and it's kind of further to MPP French's thought processes: Is there not a way that we can change wording so that if it's a specific date we can add, in brackets, "or the most recent version"? So that we don't have to come back and keep doing this mundane—because it's a point in time. I trust the referencing, but we're always going to be updating. It's back to that rolling legislation. To simply put "or the most recent version," is that something that you would support?

Mr. Andrew McNaught: That would, I guess, address the problem. Again, it's open to the committee if it wants to make a general recommendation about that.

Mr. Yvan Baker: So can you clarify what your recommendation is?

Mr. Bill Walker: I just think in a lot of these—sitting through this committee, we seem to be doing this. Somebody at a point in time put a specific date or reference to a date, and then as soon as there's a new version, that's out of date, so we have to come all the way back and go through this committee to have them review and go through. I don't know why we couldn't just, as protocol, when we're writing this type of thing, say, "May 2014 and/or the most recent version," reflecting the rolling nature of legislation. It just seems we inundate ourselves with bureaucracy and administration that to me is useless.

The Chair (Ms. Indira Naidoo-Harris): MPP French?

Ms. Jennifer K. French: Further to that, I'm not a lawyer and I'm not drafting these things, but if that date in time—in this case it's May 2014. Can you pass along to whoever would be writing these that perhaps the earliest version being that date—you know what I mean? That no version of that document or whatever it is precedes that. There is a starting point, obviously one the regulation intends, but is there legal lingo that would be appropriate that says, "May 2014 or", as Mr. Walker says, whatever comes next?

Mr. Andrew McNaught: Yes. The wording used in some statutes is "as amended from time to time," or the most recent version of a particular document—

Ms. Jennifer K. French: There it is, legal lingo.

The Chair (Ms. Indira Naidoo-Harris): And just so I'm clear, the ministry is committed to amending this; right?

Mr. Andrew McNaught: Yes.

The Chair (Ms. Indira Naidoo-Harris): Okay.

Ms. Jennifer K. French: But to update the regulation to say, instead of "May 2014"—

Mr. Andrew McNaught: The regulation would refer to the January 2015 version, which is the one they're using.

Ms. Jennifer K. French: And then in a couple of years, when we realize that it's no longer the January 2015 version, then we'll point it out and they'll go back and they'll date it to the newest, potentially.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: So just a point of clarification on your comment, Madam Chair: Yes, this one, I'm okay that they are saying they're going to do it, but my concern is that we do this perpetually on all matters of regulation, that we continue to revisit these same things over a very specific—so it's back to when we're writing it. Can we put in those words as a standard protocol, unless there's a legal ramification that prohibits that?

Mr. Andrew McNaught: The only caveat to this is, it may be you'll get an argument from a ministry that on a case-by-case basis it wouldn't necessarily be appropriate to refer to the most recent version. I don't know what the explanation for that would be, but they might have a reason that they don't say that.

The Chair (Ms. Indira Naidoo-Harris): As Chair, I think it's fair to draw attention to the fact that, really, the committee is here to look at specific instances and ensure that the wording is appropriate for that specific instance. So by broadening the scope in a way, that is suggesting we may actually put ourselves in a situation where it may not be applicable and we may want to take that further look. Am I correct?

Mr. Andrew McNaught: That's your call, I think.

The Chair (Ms. Indira Naidoo-Harris): I'm just asking your opinion.

MPP Baker.

Mr. Yvan Baker: I like what you're trying to do. I think it makes a lot of sense. I'm not concerned and I'd support making that recommendation in this particular case.

As far as sort of a blanket—I'd recommend we take it on a case-by-case basis, as the counsel was referring to, just so we don't inadvertently fix a certain set of problems and create a set of new ones. But for this one, I don't have a concern about my recommendation.

Mr. Andrew McNaught: The last section of the report, as Mr. Ballard mentioned earlier, deals with the update on responses to regulations previously reported by the committee. That runs from page 11 to page 14. The tables in this section just provide an update on whether there have been any changes to regulations as a result of recommendations made in previous committee reports. In a nutshell, there haven't been many changes, although we do note one, starting at the bottom of page 13 and on to page 14, where the Ministry of Northern Development and Mines has indicated that it will be seeking an amendment to the Mining Act to address a statutory authority issue we raised in connection with a 2012 regulation. But other than that, I think you'll see that there haven't been any other amendments.

That completes the report. The remainder is the appendices mentioned at the start of the report.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: Mr. McNaught, can I just ask what the protocol is in regard to a ministry not doing that? You've identified it. We, as a committee, have identified and agreed that this needs to be corrected, and yet here we are. And this person with the Ministry of Education,

as of May 15, 2015, has never done anything. We've noted that they're in violation. It's not really a good precedent for government, who are the legislators, to knowingly keep something in violation.

Mr. Andrew McNaught: As I say, the committee's mandate is to review regulations and report violations of the guidelines to the House, and that pretty much is where the mandate ends. We don't have authority to issue directions or binding orders to ministries. All we can do is report in the—

Mr. Bill Walker: Are we able to flag this and send, on behalf of the committee, yet another friendly reminder to the minister seeking a status update of why the recommendation of the committee that is legislated by this House—

Mr. Andrew McNaught: We could send a letter. I suppose, to ministry legal branches asking for their current thinking on a regulation that was flagged some time ago. I would just note that the standing orders provide that all regulations stand permanently referred to the committee, so you can go back and look at a regulation from years ago, if you wish. We could send a follow-up inquiry, if that's your decision.

0950

The Chair (Ms. Indira Naidoo-Harris): Further comments? MPP McGarry.

Mrs. Kathryn McGarry: I appreciate the comments. I think, if I understand it correctly, the purpose of the latter part of the report is to table it in the House and then have it taken up by the ministries if something is flagged. Is that correct?

Mr. Andrew McNaught: They do with it as they see fit.

Mrs. Kathryn McGarry: Yes, and it's our responsibility, then, if I understand it correctly, as the standing committee, that we flag these things, table it in the House and then forward it to the ministries.

Mr. Andrew McNaught: Right.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: Just further to that, so we table it, we flag it, but where's the recourse? Where's the action step to that? So they say, "Yes, thanks," and we're back here in two years and nothing has changed. If we're going to sit as a committee and review regulations and we find something in non-compliance, the expectation on all of us should be to try to move it forward so that we're in compliance. If we're actually agreeing that you can have something in non-compliance, we're implicitly condoning poor governance.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: Certainly I hear those, but I think that's the purpose of our standing committee. It's not up to us to change a ministry's mind. I know in past, ministries have been flagged and they have dealt with it. If they haven't, then it's reflagged. That's the purpose of the researcher, going back to do these things.

I'm satisfied at the moment that this report goes forward, is tabled in the House, and that the flagged ministries then follow up on that.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker and then MPP French.

Mr. Bill Walker: Respectfully, I understand where you're coming from, but I don't think we're being effective. I would like to put a motion on the floor that we do send letters where any of them are in non-compliance, asking for a status update and a reason that they're not going to change to become compliant as quickly as possible.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: I don't mean to echo, but I take the member opposite's point that the first part of this report, as we have taken the recommendations of research and we've discussed it, is that we are flagging for the various ministries, as we should, and that's great. It's the updated table, which are things that have been previously flagged, but they're not being flagged a second time. This is just informative for us, is my understanding. There's no action step on this table. This table, which is an update of responses or lack of responses to us as committee members, is strictly informative.

By accepting that nothing has been done—which I recognize is their right. Our recommendations are not binding, as you said, but appreciating that the ministry has the right to ignore or the right to process in their own time, we still approved, at our last committee, that there would be recommendations put forward. So for us to say, "Well, they didn't do it. Oh, well, our recommendations—we don't really stand by those," I think is strange.

To Mr. Walker's point, if there was just kind of a standard letter, a reminder that reflags it for them and says, "We've been updated. We see that there has not been any movement on this. We as a committee would just like an update"—not "Why didn't you?" but "What is the update?" Because the answer might be, "We're working on it. It hasn't been accomplished yet."

This doesn't give us any information; it just says that nothing has been done. It doesn't say nothing is intended to be done. So I would like a polite letter just saying, "Hey, can you fill us in?"

The Chair (Ms. Indira Naidoo-Harris): MPP Baker.

Mr. Yvan Baker: Just so I understand the process, this report, once it gets passed by the committee, accepted by the committee, is then sent to the Legislature, to the House, and presumably gets tabled in the House. My thinking would be that by tabling it in the House, we're now making all members aware, and ministries aware, and we're putting on the record the status of these regulations, where they stand, and the comments that we see and hear, if I'm understanding that correctly. To me, raising something in the House is an excellent way of raising awareness about the status of these particular regulations. In my view, that would be adequate.

The Chair (Ms. Indira Naidoo-Harris): Further comments? MPP Walker.

Mr. Bill Walker: I fully respect what you're saying; however, just making people aware doesn't get us to the point of, "We're still in non-compliance." It's like raising awareness that you're cutting a bunch of services in a community, but there's no action for you to actually go and change those.

I struggle with how a standing committee—our job is to be legislators, to make regulation, policy and law. When it's identified that you're in non-compliance, handing you a report and just saying, "We've made you aware," isn't enough. Why are we going to do this again? To me, it's just redundancy that we're going to keep coming back.

I still think we have to ask: What is the intent? Why would a ministry, if they're fully aware that it's non-compliant, not take every step to make it compliant so that they look good and we collectively look good, and the people of Ontario have confidence that we're good governors?

The Chair (Ms. Indira Naidoo-Harris): Before I go to MPP Baker, just to clarify with the legislative researcher, you said that this committee actually has no authority to issue directions?

Mr. Andrew McNaught: Right.

The Chair (Ms. Indira Naidoo-Harris): Okay. MPP Baker?

Mr. Yvan Baker: I guess what I'm not understanding is how—you've recommended, or MPP French has recommended, technically, or both of you, that we send a letter to the ministries. What I'm saying is that, to me, there is no greater way of flagging the status of the situation than to raise it in the House. The letter would be another version of that, but the letter is a confidential correspondence to the ministry whereas this is raising it in the Legislature. To me, we're fulfilling our role as a committee by bringing this to the Legislature and making everyone aware of where this stands.

I guess what I'm saying is, I don't know that that incremental step that you recommended would in any way have any greater force than what we're already going to be doing once we accept the report.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: I would suggest to you that, actually, that next step is accountability. We've given them a report. They can take it and do nothing with it. They can say, "Yes, I'm going to do it." All I'm asking is for a friendly request to give us a status update: "We, as a committee, have identified something is non-compliant. We presented you with a report and you're aware of that. But can you give us a status update of what you're doing with it? What's your intent? Are you just going to accept it and say, 'Yes, great. We're in non-compliance?'" In a year, we come back and they do another review and it's still non-compliant, and we sit here and we have this debate and discussion again. And in another year, we have it all over again. I'd just as soon deal with it once and get on to some more pertinent stuff.

I just don't see how by tabling it—yes, we're raising awareness; I fully agree. But if they don't do anything with it, all we've done is table it to them.

The Chair (Ms. Indira Naidoo-Harris): MPP French?

Ms. Jennifer K. French: I agree with Mr. Baker that by tabling this in the House, as we're supposed to, that that's public—it's on the record that these are the recommendations from this committee—but that, as I see it, is for the first portion of the report. Tabling the table? They've already had the recommendations. The table recommendations: When was that originally tabled?

Mr. Andrew McNaught: This is the first time this table would be reported.

Ms. Jennifer K. French: I beg your pardon; I guess I'm not asking this correctly. This table informs us of the status update, right? This is an update of recommendations that had been made by committee before. This committee had said—

Mr. Andrew McNaught: In 2012-13.

Ms. Jennifer K. French: —in 2012 had pointed out and had tabled a report saying, "We've identified; here is the direction from research, not direction from committee. Here you go." Now we're at 2016. This table updates recommendations that have been made, loosely, four years ago. So I think that it is more than fair, because four years is a long time—why would the ministry still be paying attention to the back table of a report? Because it isn't flagged for them. I like the idea of giving a gentle nudge and just saying, "Hey, four years later, we're noticing that there has been no movement," a status update. That's not direction from the committee, is it? That's just saying, "Hey."

The Chair (Ms. Indira Naidoo-Harris): MPP Baker?

Mr. Yvan Baker: I've heard what the members have said—

Ms. Jennifer K. French: That last stretch, you didn't.

Mr. Yvan Baker: Sorry?

Ms. Jennifer K. French: Sorry, go ahead.

Mr. Yvan Baker: I've heard what the members have said. This is my perspective, but I'm happy to have a short note asking for an update on these to the ministries.

The Chair (Ms. Indira Naidoo-Harris): Okay. So I think we have a suggestion on the floor here.

Mr. Bill Walker: I can reiterate that, if you would like, Madam Chair.

The Chair (Ms. Indira Naidoo-Harris): Go ahead, MPP Walker.

Mr. Bill Walker: I respectfully suggest that we offer a friendly letter of reminder, to send letters to those ministries that are non-compliant, asking and seeking a status update and why they are not taking action to make them compliant.

The Chair (Ms. Indira Naidoo-Harris): Is everybody okay with the wording? MPP Baker?

Mr. Yvan Baker: I'm okay with asking for an update, period, leaving it at that.

Mr. Andrew McNaught: This is separate from the report? You're asking us to send follow-up letters to the ministries mentioned in the table at the end of the report.

Mr. Yvan Baker: Yes.

Mr. Bill Walker: Subsequent to the report.

Mr. Yvan Baker: So my friendly amendment to MPP Walker's recommendation is that we simply ask for a status update.

The Chair (Ms. Indira Naidoo-Harris): Are we in agreement with that?

Mr. Bill Walker: I can live with that.

The Chair (Ms. Indira Naidoo-Harris): Is everyone okay with that? Everybody is fine with that? Okay. Then we shall move on. I think that wraps up where we are at. Thank you, everyone.

Some housekeeping here, then: Shall the draft report on regulations made in 2014 carry? Carried.

Who shall sign off on the final copy of the draft? The Chair? Yes.

Mr. Bill Walker: You get the extra pay.

The Chair (Ms. Indira Naidoo-Harris): I do? Really?

Mr. Bill Walker: It's got to be worth something.

Ms. Daiene Vernile: All the coffee you can drink.

Mr. Bill Walker: Exactly.

The Chair (Ms. Indira Naidoo-Harris): That's news to me.

Shall the report be translated? Yes.

Shall the report be printed? Yes.

Shall I present the report to the House and move its adoption? Yes.

Thank you very much, everybody. That wraps up our meeting today.

The committee adjourned at 1002.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 2 March 2016

Journal des débats (Hansard)

Mercredi 2 mars 2016

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS

Wednesday 2 March 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Mercredi 2 mars 2016

The committee met at 0902 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. We're here this morning to consider three private bills. That will be followed by consideration of the draft report on recommendations made in the first six months of 2015.

Let's move first to the three private bills that we have to consider today.

BILL BEDFORD PROFESSIONAL
CORPORATION ACT, 2016

Consideration of the following bill:

Bill Pr34, An Act to revive Bill Bedford Professional Corporation.

The Chair (Ms. Indira Naidoo-Harris): Our first bill that we will be considering is Bill Pr34, An Act to revive Bill Bedford Professional Corporation. I'd like to ask the sponsor and the applicant to please come on up. Sponsor, if you can go ahead and introduce yourself, and also the applicant.

Mr. Bill Walker: Thank you very much, Madam Chair. I'm acting on behalf of Patrick Brown, MPP. It's my pleasure to introduce the applicant, William G. McLean, solicitor.

Mr. William McLean: Thank you. I am William McLean. I am the lawyer for Dr. Bill Bedford.

As set out in the compendium, we're basically seeking a private bill to reactivate Bill Bedford Professional Corp. The short version is that Dr. Bedford realized, after his corporation had been dissolved, that there were still assets in the corporation which he still needs to deal with. He can't do that until we have the corporation revived.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there any other interested parties in attendance here today? If so, please make yourself known and come on up.

All right. Any comments from the government, first? Okay. We'll go now to questions and comments from committee members. MPP Vernile?

Ms. Daiene Vernile: Could you elaborate on what you mean by "assets"? Give us some details.

Mr. William McLean: Yes. The corporation has an investment account which was used for the retained earn-

ings of the corporation. Unfortunately, when the company was dissolved, Dr. Bedford thought that that investment account was in his name personally, not in the name of the corporation. It was only after the corporation was dissolved that his accountant pointed out to him that, no, it was actually in the name of the corporation. That investment account will be taken out of the corporation, and the appropriate taxes will be paid as it comes out of the corporation.

Ms. Daiene Vernile: Can you share with us the amount?

Mr. William McLean: My understanding is it's around \$200,000.

Ms. Daiene Vernile: Okay.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: Just one other question: The purpose of this bill will be to just get the assets sorted out, and then he'll be dissolving the company again?

Mr. William McLean: That is correct, yes.

Mrs. Kathryn McGarry: Okay, thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments? Are members ready to vote?

Interjections: Yes.

The Chair (Ms. Indira Naidoo-Harris): Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you very much for coming in.

Mr. William McLean: Thank you, all.

839255 ONTARIO INC. ACT, 2016

Consideration of the following bill:

Bill Pr36, An Act to revive 839255 Ontario Inc.

The Chair (Ms. Indira Naidoo-Harris): Our next bill to consider is Bill Pr36. I'd like to ask the sponsor to introduce herself and then the applicant.

Ms. Soo Wong: Thank you very much, Madam Chair and the committee. I'm here to introduce Victoria Loh, lawyer for the company, 839255 Ontario Inc. Welcome.

Ms. Victoria Loh: Yes. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Good morning, Ms. Loh. Do you have any comments to make?

Ms. Victoria Loh: Good morning, Madam Chair. This is just a bill to revive a numbered company that was dissolved as a result of an order made by the government that basically said it had failed to comply with the Business Corporations Act by sending in a notice of change of address. Because they hadn't done that, it had been dissolved.

It was only discovered recently that it had been dissolved at the time when it was trying to transfer or sell a property in Muskoka Lakes to a buyer. I'm here to ask that the numbered corporation be revived so that it can complete that transaction.

The Chair (Ms. Indira Naidoo-Harris): Before we proceed, I'd like to know if there are any interested parties in attendance. If so, please make yourself known.

All right. Are there any comments from government before we proceed?

Next, committee members, comments from committee members? MPP McGarry.

Mrs. Kathryn McGarry: Sorry, just a quick question. If this bill should pass and the corporation is revived, is it just there to complete the transaction and then it will be dissolved again?

Ms. Victoria Loh: I believe so.

Mrs. Kathryn McGarry: All right. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any other questions or comments from committee members? Are the members ready to vote? Yes.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you for coming in.

Ms. Victoria Loh: Thank you very much.

Base2 eBUSINESS SOLUTIONS INC. ACT, 2016

Consideration of the following bill:

Bill Pr37, An Act to revive Base2 eBusiness Solutions Inc.

The Chair (Ms. Indira Naidoo-Harris): Next up for consideration, we have Bill Pr37. I'd like to ask the sponsor and the applicant to come up. If the sponsor could introduce herself again for the record.

Ms. Soo Wong: Thank you, Madam Chair. I'm here to introduce the applicant, Peter Wong, to revive the company Base2 eBusiness Solutions Inc. Welcome, Mr. Wong.

Mr. Peter Wong: Good morning.

Ms. Soo Wong: There's no relation.

Laughter.

Mr. Peter Wong: Good morning. My name is Peter Wong. I'd like to begin by thanking the committee and

the sponsor, Mr. Dong, for supporting the introduction of this private bill. I know you're very busy today, so my comments will be brief.

My business partner and I purchased Base2 eBusiness Solutions in 2010. A few years after purchasing the business, my business partner and I found ourselves focused more on business ventures outside of the company, so most, if not all, of the new business we carried on under a different business entity. Seeing as there was little business continued under Base2 eBusiness Solutions, under the guidance of our lawyer and accountant, we voluntarily dissolved the corporation in 2013.

Last year, an HST rebate was calculated for the corporation and a cheque was issued in August. We would like to revive the corporation in order to reopen its bank account, so that we can deposit the HST rebate. In order to do that, we have to pass this private bill. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there any other interested parties in attendance? If so, please identify yourself. Okay.

0910

Next, any comments from government before we proceed to the members? All right. Questions or comments? MPP Vernile. Oh, MPP McGarry.

Mrs. Kathryn McGarry: Sorry. We look alike, I'm sure.

Just a quick question: If this bill passes today and it's revived, will they be dissolving the company once their business is completed?

Mr. Peter Wong: Yes, most likely. I don't foresee us continuing business with that corporation.

Mrs. Kathryn McGarry: Okay, thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments? Yes, MPP Vernile?

Ms. Daiene Vernile: Can you share with us what the nature of Base2 eBusiness Solutions was?

Mr. Peter Wong: We did Web development and e-commerce for national brands.

Ms. Daiene Vernile: And you shut it down and want it to go in a different direction?

Mr. Peter Wong: Yes.

Ms. Daiene Vernile: Can I ask you the amount of the HST rebate cheque?

Mr. Peter Wong: It's a little under \$20,000.

Ms. Daiene Vernile: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further comments from committee members? Yes, MPP Hoggarth?

Ms. Ann Hoggarth: I'd just like to ask, is there anyone who objected to this?

Mr. Peter Wong: No, not that I'm aware of. We haven't received any notices.

The Chair (Ms. Indira Naidoo-Harris): All right. Are members ready to vote? Yes.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.
Thank you very much for coming in.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): I would now like to tell committee members that we're moving to the next item on the agenda, which is the consideration of the draft report on regulations made in the first six months of 2015. I trust that you all have that draft report on your desks.

Similar to last week, I am going to ask research officer Andrew McNaught, who's here with us today, to walk us through the report, and then we're going to proceed section by section, issue by issue. Once again, we'll pause after each section or issue and I'll look to committee members for further discussion.

I will now turn it over to our legislative research officer, Andrew McNaught.

Mr. Andrew McNaught: Good morning. I'm Andrew McNaught of legislative research, but again, I'm here as counsel this morning as the committee considers another draft report on regulations. This report, I should just note, was also prepared by my colleague Tamara Hauerstock, who is not able to be here today. I'm filling in for her.

The report before you this morning covers regulations filed in the first six months of 2015. Tamara's plan is to produce a report every six months instead of annually so that the committee doesn't develop a backlog, which has been a bit of a problem on and off over the years.

If you turn to page 1, the introduction section is the same as in the report we looked at last week. It simply provides an overview of the committee's regulations mandate. Below that, under "Statistics," we note that, as the report covers only the first six months of 2015, it does not include the usual annual statistics. That information will be included in the next report, which will cover the regulations filed in the last six months of 2015.

The substantive portion of the report begins at the top of page 2, under "Regulations Reported." In this section, we are proposing to report two regulations under the committee's second guideline. You may recall the second guideline provides that there should be authority in the statute to make a regulation.

In the middle of page 2, under "Ministry of Health and Long-Term Care," the first regulation we discuss is a regulation made under the Ambulance Act. Now, under the act, the minister has authority to make regulations designating an air ambulance service provider. A regulation made under this authority must be approved by cabinet before it is filed with the registrar of regulations.

The regulation that we have here designates an air ambulance service provider. However, it was made by cabinet, not by the minister, as is required under the act. We see here that the ministry acknowledges that the regulation does not indicate that it was made by the minister. However, they go on to say that, nonetheless, the regulation followed the usual approval process for regs made under the Ambulance Act. That process is that the minister brings forward the regulation for approval by the

legislation and regulations committee of cabinet. In the ministry's view, this technical defect—that is, that it does not indicate that it was made by the minister—is not enough to render the regulation invalid.

However, at the top of page 3, you'll see that Tamara has taken a strict approach, which is that the regulation should indicate that it was made by the minister, as required by the act. Therefore, the recommendation we have proposed here is that the regulation simply be remade by the minister.

I'll just stop there to see if there's any discussion.

The Chair (Ms. Indira Naidoo-Harris): Any questions or comments from committee members about this recommendation? Okay. No further discussion. Proceed.

Mr. Andrew McNaught: All right. In the middle of page 3, under "Treasury Board Secretariat," the second regulation we discuss is a regulation made under the Government Advertising Act, 2004. By way of background, the act requires that whenever the head of a government office proposes to place an advertisement, he or she must submit a copy of the ad to the Auditor General for a preliminary review.

The preliminary review requirement applies to the four classes of advertising you see listed in the act. Those are reproduced towards the bottom of page 3 under (a) to (d). These classes are advertisements published in the newspaper, magazine advertisements, or displayed on a billboard or as a public transit advertisement, advertisements displayed digitally, and advertisements broadcast on radio or television or in a cinema.

The act also allows cabinet to make regulations exempting "items from preliminary review." The regulation that was made under this authority exempts any advertisement falling within the first three classes just noted here. That's (a) to (c). As a result, only advertisements that are to be broadcast on radio or television or in a cinema are subject to the preliminary review requirement.

Given that the regulation-making power in the act uses the term "items," it appeared to us that the legislative intent here was to permit exemptions on an item-by-item basis but not necessarily to exempt entire classes of advertising.

In its response to our letter, the ministry explained that the purpose of the preliminary review is to ensure that a government office doesn't incur significant costs in preparing an advertisement before it receives a preliminary approval from the Auditor General. In the ministry's view, only advertising that is to be broadcast has the potential to run up significant expenses in the early stages of production; therefore, only ads that are to be broadcast require the preliminary review. In any event, the ministry notes that all advertising is subject to a final review by the Auditor General.

Nonetheless, as we say towards the bottom of page 4, it's our view that the current wording of the act is unclear, that is, the current wording of the regulation-making power in the act. It's not clear whether the Legislature intended to permit exemptions for entire classes of advertising, as opposed to on an item-by-item basis.

0920

At the bottom of page 4, the proposed recommendation is that Treasury Board seek amendments to ensure that there is express authority in the act to make the broad exemptions that we see here in this regulation.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Any further discussion of this possible recommendation? MPP Walker.

Mr. Bill Walker: Mr. McNaught, can you just clarify for me that these exemptions do not totally allow the government to go beyond and just do it—that there is still a review by the Auditor General, and they have to? How I'm interpreting it is that if it's a fairly simplistic newspaper ad that's not going to be a huge cost, for example, they don't have to go through the first step and they can get an exemption. But all ads will be reviewed by the Auditor General.

Mr. Andrew McNaught: That's right. The act provides for a two-step approval process: the preliminary review, which is essentially a cost-control measure, it seems; and then a final review by the auditor. As the ministry says, all advertisements have to go through the final stage.

The issue here isn't whether this regulation is a good idea. It's a question of whether the act explicitly authorizes this kind of broad exemption. It's really a technical argument. Again, the committee is not supposed to consider the policy underlying these regulations.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: Just further clarification: On page 3, where we have the four categories here—published, displayed, digital or broadcast, the (a), (b), (c), (d)—we're saying that the intent originally might have been on a case-by-case, across all four of those, that they can be subject to exemption. But the way it is now, the mistake—or the tangle—is that it could be all of (b) or all of (c). It's just that they could exempt that entire class? Is that essentially the take-away?

Mr. Andrew McNaughton: Yes. Our reading of the regulation-making authority is that it appeared, given that you have four classes set out in the act, that the intention was to allow exemptions on an item-by-item basis within each class, as opposed to setting out four categories in the act and then exempting three of them all together.

Ms. Jennifer K. French: I got a little lost where you said it was (b), (c) and (d).

Mr. Andrew McNaught: It's (a), (b) and (c) that are exempt, under the regulation, from the preliminary review. Only (d) is subject to the preliminary review.

Ms. Jennifer K. French: Okay. With the wording, then, would any items under (d) be subject to exemption, or no?

Mr. Andrew McNaught: It could have been drafted that way, but that's not what it provides.

Ms. Jennifer K. French: So as it stands now, with the tangled—

Mr. Andrew McNaught: Anything under category (d) has to go through the preliminary review, yes.

Ms. Jennifer K. French: All, without exception.

Mr. Andrew McNaught: That's right.

Ms. Jennifer K. French: Okay.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: Certainly, the recommendation put forward here, I wouldn't be as comfortable passing it without some more information. In the past, in this committee, we've had the said ministry and their counsel come before the committee to do question-and-answer of the committee. That's what I would propose right now: whether we could suggest that Treasury Board and their counsel appear in front of the committee at the next sitting, to be able to answer some of the questions.

The Chair (Ms. Indira Naidoo-Harris): Just so I'm clear, MPP McGarry, is this a suggestion? Is it a motion?

Mrs. Kathryn McGarry: It's not a motion. It's a suggestion.

The Chair (Ms. Indira Naidoo-Harris): Okay.

Mrs. Kathryn McGarry: I think that would better clarify some of our questions.

The Chair (Ms. Indira Naidoo-Harris): How do other committee members feel about this proposal to bring in further discussion? MPP Hoggarth.

Ms. Ann Hoggarth: This is my first time here. However, I do believe that it's a little cloudy as to the intention. I think that it would be a good idea to have the Treasury Board Secretariat come and present to the committee.

The Chair (Ms. Indira Naidoo-Harris): Further comments?

Are committee members comfortable with us seeking further information and asking Treasury Board officials to come in and give us their input on what the intent of this is and what we need to understand?

Ms. Soo Wong: Call the question.

The Chair (Ms. Indira Naidoo-Harris): I'm sorry?

Ms. Soo Wong: Call the question.

The Chair (Ms. Indira Naidoo-Harris): MPP Wong?

Ms. Soo Wong: I'm just saying let's vote and call the question.

The Chair (Ms. Indira Naidoo-Harris): I guess my question is, are committee members comfortable with us basically seeking further information from the Treasury Board about this item and, also, the possible recommendation? Are members comfortable with us proceeding in that fashion?

Interjection: Yes.

The Chair (Ms. Indira Naidoo-Harris): Okay. I'll take that as a recommendation.

The Clerk has informed me that that means we will have to stop with our proceedings here at this point, until we can get Treasury Board counsel to come in and speak to us about this. We'll set that up and we will discuss this at our next meeting.

Thank you very much, members. That adjourns our meeting for today. We will meet again next week to pick up our discussion of the draft report.

The committee adjourned at 0926.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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Wednesday 9 March 2016

Journal des débats (Hansard)

Mercredi 9 mars 2016

Standing Committee on Regulations and Private Bills

Draft report on regulations

Comité permanent des règlements et des projets de loi d'intérêt privé

Rapport préliminaire
sur les règlements



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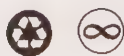
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 9 March 2016

Mercredi 9 mars 2016

The committee met at 0903 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order.

We are here this morning to resume consideration of the draft report on regulations made in the first six months of 2015.

TREASURY BOARD SECRETARIAT

The Chair (Ms. Indira Naidoo-Harris): Last week, the committee chose to invite a representative from the Treasury Board Secretariat to provide us with some further clarification of the secretariat's position regarding O. Reg 143/15.

Joining us today is Mr. Sean Kearney. Mr. Kearney, please come on up and sit down.

Mr. Sean Kearney: Where would you prefer that I sit, Madam Chair? Here?

The Chair (Ms. Indira Naidoo-Harris): Yes, that's perfect.

Mr. Kearney is the director of the legal services branch. Good morning. Thank you for coming in.

Mr. Sean Kearney: Good morning.

The Chair (Ms. Indira Naidoo-Harris): Before you begin, I am going to invite our legislative researcher Mr. Andrew McNaught to refresh the committee members' minds with a summary of the regulation that we're discussing. Just so that you're all aware, I believe that the ones we're discussing are on pages 3 and 4. Go ahead.

Mr. Andrew McNaught: Good morning. Today, we're continuing our review of a regulation made under the Government Advertising Act, 2004. That regulation is discussed on page 3 of the draft report that we looked at last week, and that's under the heading of Treasury Board Secretariat.

I'll just briefly recap. The Government Advertising Act requires that whenever the head of a government office proposes to pay for an advertisement, he or she must submit a copy of the advertisement to the Auditor General for a preliminary review. The purpose of the review is to ensure that the ad will likely meet the standards set out in the act; for example, that the advertisement is non-

partisan. As set out in the act, the preliminary review requirement applies to four classes or categories of advertising, and we've listed those for you under paragraphs (a) to (d) on page 3 of the report.

The act allows cabinet to make regulations "exempting items from preliminary review." The regulation that was made under this authority exempts any advertisement falling within the first three classes just noted, and that's (a) to (c). As a result, only advertisements that are to be broadcast on radio or television or in a cinema are subject to the preliminary review requirement.

As outlined in the draft report, the concern we have is, given that the regulation-making power in the act speaks of exempting items, one would expect to see exemptions on an item-by-item basis rather than exemptions for entire classes of advertising.

By exempting three of the four classes of advertising that are mentioned in the act, one might argue that the regulation here is, in effect, rewriting the act. I would just stress here that we are making no comment on whether the exemptions that have been made here are good policy. There might very well be good reasons for creating these exemptions, as I'm sure we're going to hear, but the issue before you is whether the regulation-making power in the act as it is currently worded is broad enough to authorize the exemptions that have been made.

Given what we see as uncertainty in the wording of the enabling clause in the act, the recommendation we've proposed, which is towards the bottom of page 4 of the draft report, is that the Treasury Board consider amendments to ensure that there is express authority in the act to prescribe the exemptions that are set out in this regulation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Mr. McNaught. I'm now going to turn the floor over to Mr. Kearney.

Mr. Kearney, do you have any comments about the sections we're discussing?

Mr. Sean Kearney: Yes. I sent a letter back on November 9 last year which I think set out the rationale behind the regulation, but I thought I would just touch on what I had in that letter and also some other points that I think respond to Mr. McNaught's comments.

It's important, I think, for everybody to understand that prior to 2015 and prior to these amendments to the act, we had a de facto preliminary review process which

existed operationally outside of the act's parameters. This had basically gone on for about nine or 10 years through the coordinating efforts with the Auditor General's office. It was a voluntary, non-statutory process in which the Auditor General could pre-review early versions of certain types of government ads and signal whether they were likely to meet the act's standards before more costs were incurred to fully produce the ads—mainly talking about television ads because obviously the production costs associated with those ads can be quite expensive.

Just in terms of statistics that the Auditor General has referenced, for the 10-year period—if you took a snapshot—between 2005 and 2015, you're looking overall at 7,237 ads, and the number that went for pre-review works out to about 3%. It's 246. So the vast majority never have gone through a preliminary review process. It's mainly one review which we call a final review.

Again, we had this non-statutory voluntary process. In 2015, the government—obviously there were a number of changes to the statute itself, but in 2015 the government also decided to try and codify this existing preliminary de facto process into the act and into the regulations to make it more transparent.

0910

The act, as amended in 2015, now contemplates a two-stage review process of proposed government advertising by the Auditor General, consisting of a preliminary review, in certain cases, and a final review. The act, as Mr. McNaught pointed out, authorizes that a reg can be made which would exempt various items from preliminary review. Specifically, clause 12(1)(a.3) provides that the Lieutenant Governor in Council can make regs exempting items from preliminary review under sections 2, 3 or 4.

So section 1 of this reg obviously exempts a number of items from preliminary review under section 2 of the act. The only items that are currently not exempt from preliminary review under section 2 are basically television and cinema ads, which again is consistent with the past practice. It's important for committee members to note that any items exempted from preliminary review are always going to be subject to a final review. There's no ad which the Auditor General will not review, at the end of the day. Therefore, even if we have an ad which is now exempt under this reg, it still necessarily has to go under review by the Auditor General. So such ads are basically being reviewed once, as opposed to twice. In fact, this is something that the Auditor General herself has explicitly supported pursuant to consideration of this reg change.

As I indicated in my letter back in November—and hopefully you've had an opportunity to review that letter—it's our understanding that the regulation-making authority in the act is sufficiently broad to allow for the exemption of a wide array of items from preliminary review, and that's particularly true if one takes a purposive approach to interpreting the relevant provisions at issue.

It's our view that subjecting all or even most items to both stages of a two-stage review process would make

little sense in the circumstances. The Auditor General is the expert in this area. She's the one who has said explicitly that doesn't make sense; it makes sense to just have a final review process and preliminary review for certain items, as has been practised in the past—keeping in mind, as well, that she now has purview over all digital advertising, which she didn't prior to 2015.

The real value in having a two-stage process is when we're looking at relatively high-cost items like TV and cinema ads. As I said before, the Office of the Auditor General was consulted on the regulation and specifically agreed with the section on exemption from preliminary review. Therefore, it's the view of TBS that the act as amended and the regulation 143/15 strikes the right balance between making this two-stage review process more transparent, while ensuring that it's actually carried out in a practical, meaningful manner.

So the regulation doesn't change past practice in any material way. It simply eliminates, in our view, the need for a repetitive review process for certain ads. Again, at the end of the day, the Auditor General still will be undertaking a final review of every ad that comes before her.

The Chair (Ms. Indira Naidoo-Harris): Questions and comments? MPP Walker.

Mr. Bill Walker: I certainly applaud any action that's going to remove needless repetition and something that doesn't add value to the taxpayer and to our legislation, so I think it's great that you've taken that attempt.

The one question I have is about whether it was intended that the regulation-making powers would be used to exempt whole classes. If there's something like a magazine ad or a newspaper ad that's going to be in every weekly newspaper, what you're suggesting is that there's no need to review that twice; it's going to go through a final review before it ever hits the paper. But in the old world, we would have actually had you do a pre-review, then we would have done a final review, even for those classes.

Mr. Sean Kearney: It's a good question. Not necessarily. Under the old process—the pre-review process, if you will—it wasn't mandated. It was just a voluntary de facto practice. Typically, most magazine ads, for example, wouldn't have gone to a two-stage review process with the Auditor General. It would have probably been reviewed once. As I said, of the over 7,000 ads, just over 200 went to that sort of pre-review process. So most of the 246—and I'm sorry; I can't speak to every single one—the vast, vast majority were really television or media production ads. Those were most of those ads. Most print stuff wouldn't have gone to a pre-review process. Based on the Auditor General's comments—I can't speak for her, obviously—she would probably say that it would be an administrative burden for her office to have to look at all print ads as well.

Mr. Bill Walker: Sure. Okay, thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. From what I understand, you're saying

that nothing escapes review; it's just the TV and cinema ads that need the preliminary and the final review?

Mr. Sean Kearney: That's right, and it would go through two stages, yes.

Mrs. Kathryn McGarry: Can you just, again, reiterate and just clarify for me what the purpose of the preliminary review process is?

Mr. Sean Kearney: Based on the experience over the last number of years, if you wanted to put forward an advertisement for television purposes, there are huge production costs associated with doing that. So you could spend—I'm not in advertising—probably a couple of hundred thousand dollars on an ad. The concern was, if you waited until you finished the ad and then provided it for review to the Auditor General, and she then determined, "No, no, no. This does not pass muster"—for whatever reason—"with the legislation, and you cannot run this ad," then you would have incurred significant costs for an ad that you could never run.

So it was thought that through this de facto pre-review process, the better approach would be for you to be in a position where you could put that ad forward as it was in the production phase, before its near completion, and say to the Auditor General, "This is what the ad will show," or "This is how it will be set out. This is what we intend to speak to in the ad. How do you feel about that?" Then, the Auditor General could respond. If she says, "That's fine," then you could obviously carry on with your production costs. If she says, "No, over my dead body," then you wouldn't continue. If she says, "Well, I'd like to see this addressed or this tweaked" or whatever, then whoever is producing the ad would make those necessary changes. Then, the chances of it being approved, after all of the money has been expended on the ad, would be greatly increased. That's how the two-stage process came into effect.

Mrs. Kathryn McGarry: Okay. Again, if you could just confirm what the review process is for items that are exempt from the preliminary review?

Mr. Sean Kearney: The items that would be exempt from preliminary review would just simply undergo one final review before approval. It would still be sent to the Auditor General's office, but there would be no statutory or regulatory requirement to provide it very early on and then later on for final review.

Mrs. Kathryn McGarry: Okay. And all advertising, therefore, is reviewed, prior to going out, by the Auditor General?

Mr. Sean Kearney: Yes.

Mrs. Kathryn McGarry: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments on this section? MPP Walker.

Mr. Bill Walker: Just to further simplify, is there any reason why we wouldn't have done this in the reverse: that we would have just made television and anything in the cinema mandatory? Because it seems that you're not doing a preliminary for the 99% of it, almost. Maybe the regulation was written a long, long time ago and every-

thing had to be skirted first. But is there any reason why we couldn't have just done it the opposite way?

Mr. Sean Kearney: That's a good question. One option would have been to try to explicitly set out specific responsibilities that are attached to certain types of ads. That's always a way of looking at legislation and regulations: You could always have been more specific or more detailed. When the drafters were weighing the appropriate language, they arrived on the language that was provided.

Mr. Bill Walker: Have you given any thought to the wave of social media that continues to expand and evolve? Have you given any thought to the regulation, as to how it may pertain to that, or do you believe that the final review is going to catch any of those regardless?

Mr. Sean Kearney: I'd be confident in the latter. But just on that point, TBS is constantly in contact with the Auditor General's office. They're always looking at new waves and new types of media. So there's a sort of consultative process about how best to deal with things that change in the future.

The Chair (Ms. Indira Naidoo-Harris): Further questions? MPP Walker?

Mr. Bill Walker: Just a final thought, and it may be expanding beyond this reg, but if I recall, a number of responsibilities were stripped from the Auditor General in regard to some of the advertising. Can you just give us your view of what the change will be? I remember reading when this all took place that there was going to be less oversight by the Auditor General in regard to third-party advertising and those types of things.

Mr. Sean Kearney: I don't know whether there will be less oversight. I think the Auditor General is being quite emphatic in her comments in terms of what she thinks of the legislative changes, so I wouldn't choose to take issue with what she said.

In certain respects, there's a broader mandate because she now has authority over digital advertising, which she and her predecessor, Mr. McCarter, had been requesting for a number of years. She has a lot more scope in terms of what she's actually looking at under the statute now, but most definitely the test that she applies when reviewing legislation has changed. There were some significant statutory changes last year.

Mr. Bill Walker: Can you just give us a glimpse of what a specific type of change might have been?

Mr. Sean Kearney: There was a change in the definition of "partisan," so that's an example of the way in which she performs the task of reviewing ads has altered.

Mr. Bill Walker: Because the interpretation, certainly from many people, was that it was actually being watered down. There was going to be the potential that there could be more partisanship actually happening as opposed to less. I think we would all agree there should be less partisanship than more partisanship.

Mr. Sean Kearney: I couldn't comment on that. The regulation and the statutory changes speak for themselves.

Mr. Bill Walker: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Further discussion?

Are we ready to move forward with this recommendation? MPP McGarry?

Mrs. Kathryn McGarry: I appreciate the comments and the ability to ask questions of Mr. Kearney, but I think this sounds like a reasonable regulation. It means that all advertising is reviewed currently by the Auditor General, so I would suggest that we move to strike the recommendation from the report.

The Chair (Ms. Indira Naidoo-Harris): There's a motion on the floor. Are committee members ready to vote on this motion, a motion to strike this recommendation from the report? MPP Walker?

Mr. Bill Walker: Can we have a five-minute recess? I need to understand what she's asking.

The Chair (Ms. Indira Naidoo-Harris): Are committee members okay with a five minute recess? Okay, granted. Five minutes.

The committee recessed from 0923 to 0931.

The Chair (Ms. Indira Naidoo-Harris): I'd like to ask the committee to come back to order. We have a motion on the floor. Please, everybody, take a look at it. Yes, MPP Walker?

Mr. Bill Walker: Could I just ask the member who's proposing this motion to give me a bit more clarity of what her reason is to strike it? It seems to me that legislative counsel is really just saying—now that we've had the explanation, I'm very comfortable that what they're doing is following the limited review wherever they can, which is good, it's efficient; we don't need it.

I think the real issue that was brought to this report is the language currently as it sits doesn't necessarily match what the actual process is, and I think they were just suggesting that it be tightened up so that we're doing exactly what it says and we're saying what it does. I'm curious to see why you want that recommendation struck if we can clean this up and make it more clear and clarified for everyone.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: It is a good question, MPP Walker. I was satisfied with Mr. Kearney's explanation that current practice really covers it all and this is really a redundant regulation. I know that we had questions about it last week and I was satisfied that all advertising is currently reviewed; the only exemption is for TV and cinema, for the reasons that he talked about. It's beneficial to those who are producing the advertising to have a preliminary review in order to go ahead and then a final review will be there after the ad is actually produced.

But I'm satisfied that, on one hand, we're protecting the public, that the Auditor General reviews all the legislation. That is working with the regulations that are currently there, so I didn't feel that it was necessary to change that. I feel that the practice today is adequate, it protects the taxpayers and those producing. Certainly the Auditor General's satisfied.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker?

Mr. Bill Walker: I fully respect that, but I think our job as legislators is to make sure that legislation is as clear and specific as possible. I think the recommendation is, yes, we've now learned—Mr. Kearney did a great job of assuring us of what the process is, but the actual act doesn't necessarily reflect that. If we didn't have Mr. Kearney in the room, we wouldn't know that it was actually being followed to that explicit letter of detail. I still think it's important that the secretariat can go in and actually clean up and make it more clear so that we have the most effective, most simplistic, clear legislation that we can possibly can.

It's kind of like what I said last week with taking a report but they never do anything with it. Our job is to make sure it's the most efficient system going; that our legislation is easy and transparent, easy to understand and is actually effective. I believe that's what counsel's job is doing. The legislative researchers are saying, "This isn't as clear as it could be. There is an ability to improve."

Certainly Mr. Kearney knows very well how the process is working, so can we tighten up the language to make sure that when he's not here someday and we don't have his counsel, that we all know that, yes, it's being followed to the extent that it was written?

The Chair (Ms. Indira Naidoo-Harris): MPP French?

Ms. Jennifer K. French: I know that these reports are a record of not just what we do but of any issue that we identify. I think that striking it so that it never happened is problematic. We've been able to see behind the veil and have a better understanding, which we appreciate. But I think that keeping it in the report that we've highlighted this, that it has been part of this committee's journey, is important.

Also, when we're talking about advertising, and to Mr. Walker's earlier point about there will be changes, I think that it's important to keep it official, where we are now. After the federal election and print ads and questions about that, I think it's very important to keep a paper trail of recommendations along the way so that we can keep going back and reviewing regulations as appropriate, with the best interests of Ontario taxpayers in mind.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. MPP McGarry?

Mrs. Kathryn McGarry: I think during the course of Mr. Kearney's presentation, he did talk about the AG's office and the fact that the Treasury Board and the AG's office are in constant conversation, and that the AG was satisfied that the work of the AG was under way in an appropriate way: that it protects the taxpayers and makes sure that the advertising has review on all parts, not only the print and the other pieces but also TV and cinema.

So I'm satisfied with the way it is. I know it's the job of the legislative counsel to come up with possible recommendations, but then it's up to us, I feel, as the committee members, to question sometimes legal counsel or the ministries regarding how it's working and everything else.

I'm quite satisfied that the AG is satisfied with the way things are currently written. I think we can strike this from the report and be satisfied that everyone's interests are looked after.

As I said, I'm satisfied that the Treasury Board Secretariat and the AG's office are in constant communication. If I thought that the AG was dissatisfied with the current way things are written, then I would think otherwise. But I think we can move to strike this particular recommendation and still be satisfied that all advertising in the province of Ontario is reviewed and under final review from the AG.

The Chair (Ms. Indira Naidoo-Harris): Any further discussion of this motion or are we ready to vote on the motion?

The legislative researcher would like to say something. Go ahead.

Mr. Andrew McNaught: I just want to get a clarification. You're proposing to strike the recommendation but not the discussion of the regulation. Is that correct? As written, you're proposing to remove the possible recommendation, but we would still include the discussion of the issue?

Mrs. Kathryn McGarry: Yes, or—I'm sorry.

Mrs. Marie-France Lalonde: I would say—

The Chair (Ms. Indira Naidoo-Harris): MPP Lalonde.

Mrs. Marie-France Lalonde: —from what I'm hearing and even suggesting, no. For me, in a way, I would disagree with keeping this as a possible recommendation or a discussion. For me, it was clear when our host was here explaining that. I'm very satisfied that as a Legislature we are still making sure that for every form of advertising, the AG is seeing the final version.

What we want to make sure of is that we are ensuring that as there is cost incurred as a part of television, cinema and all that, she would be part of ensuring that there is a two-stage process. But other than that, it goes to the final before it goes to print and—like you said, MPP Walker—to our journals. So for me, it's to strike completely this part of the recommendations from this report. That's the way I see it.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry has a motion on the floor. I'm going to ask you for some clarification, MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much. I will clarify: I would move that we strike the discussion from the entire thing, too.

The Chair (Ms. Indira Naidoo-Harris): Thank you. I've just been consulting with the Clerk, and it appears as if this motion, as it is written up right now, moves to strike the possible recommendation but does not include the issue and the discussion. If we are going to proceed with the striking of the issue and the discussion, that would have to be a separate motion. MPP McGarry.

0940

Mrs. Kathryn McGarry: I could either make a friendly amendment to the motion that we strike the

discussion as well, or I can move to strike the discussion in a separate motion.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker?

Mr. Bill Walker: Madam Chair, before we go to that extent, I would really appreciate the member to very distinctly and clearly articulate why she now wants the whole discussion removed. Her motion said to strike the possible recommendation, and I think I could understand her rationale for just the recommendation coming out of there.

But again—and it goes back to exactly last week—why are we reviewing these reports? Having legislative counsel spend time, energy and resources to review and ensure that they're looking for things that are going to improve our legislation—and then we're just going to throw it totally out the door and sweep it under the carpet. That is not acceptable on behalf of the taxpayers of Ontario.

This is a good report, it's brought an issue up, we've looked it, we've brought in a resource who has very clearly helped us understand what the intent was, and now you're telling me you want to actually take this whole thing and take it out of the report? Wow.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: So on page 3, currently, of the report, before the suggested friendly or unfriendly amendment of striking this whole section, it says, "Issue: Is the regulation-making power to exempt 'items from preliminary review' sufficiently broad to exempt most types of advertisements from preliminary review?"

That was the issue, that's the question. We've had a meaningful discussion. We don't want to negate the importance of having input from the experts. I've been here; I've been part of the discussion, not just privy to it. I would hate to see it cut out from the report.

Perhaps the government will consider that rather than striking the recommendation or striking the entire conversation and erasing it like it didn't happen—which it did—they would be willing to consider a recommendation that says something along the lines of "We're not taking action," or "We're going to let this be," or "We are satisfied."

In her own words, MPP McGarry has said she's satisfied. Perhaps there could be a recommendation that says something along those lines, that the government is satisfied, that there's no movement that needs to happen, that there's no decision that needs to be made, that the recommendation doesn't need to be followed, rather than just eviscerating the report.

The Chair (Ms. Indira Naidoo-Harris): Thank you. MPP Walker?

Mr. Bill Walker: If we're going to go to a vote, I'd like the member, prior to that, to be able to put on the record why she wants the whole portion of this report removed.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: In the past, when we have looked at these—not summary reports, but when we’ve seen these reports and we’ve seen recommendations, we have voted—not always agreed—as a committee to ignore recommendations or to change them or whatever. We’ve never said, “You know what? Let’s just pretend that this issue didn’t exist. Erase it.”

We’ve addressed the recommendation, so I would encourage the committee to keep having this conversation and figure out a way to—if we’re going to ignore the recommendation, or not ignore, but if we’re not going to keep the recommendation in here, then to come up with a creative way of addressing the recommendation rather than the issue. Because I take issue with taking issue with the issue.

The Chair (Ms. Indira Naidoo-Harris): Further discussion? MPP McGarry.

Mrs. Kathryn McGarry: The reason that I don’t think the preamble needs to stay in there is that the discussion piece is the preamble to the recommendation. I’m listening to all the comments, and under consideration and advisement at the moment.

Again, it’s a preamble to a recommendation that I’m not prepared to adopt. We’ve had a fulsome discussion. We’ve had the counsel, Mr. Kearney, come in to address our questions about it. As I said in my earlier comments, and I’m going to reiterate them, although legislative research pulls up some of the items that may need some wording changes or possible recommendations—again, it’s up to us as committee members to address it by potentially bringing in ministry staff and counsel staff to come in and address our questions. I feel satisfied, the committee feels satisfied that those are discussed this morning. So I’m listening. I’ll listen to a few more comments, if I may, Chair, before I decide whether I want to move that the preamble and the discussion is struck as well.

The Chair (Ms. Indira Naidoo-Harris): MPP Lalonde?

Mrs. Marie-France Lalonde: Madam Chair, is it possible to take a five-minute recess so we can just collect the thoughts that have been discussed, please?

The Chair (Ms. Indira Naidoo-Harris): Is the committee open to taking a five-minute recess?

Mrs. Gila Martow: If I may make a quick comment before.

The Chair (Ms. Indira Naidoo-Harris): Yes. MPP Martow?

Mrs. Gila Martow: With all due respect to MPP McGarry, you said that the committee agrees with this. The committee doesn’t all agree with this, because the committee isn’t all the government side. That’s why we’re here. I just wanted to make that comment. That’s why we’re having the discussion.

The Chair (Ms. Indira Naidoo-Harris): We will now take a five-minute recess. Thank you.

The committee recessed from 0946 to 0953.

The Chair (Ms. Indira Naidoo-Harris): Okay. This committee is coming back.

Mrs. Kathryn McGarry: A point of order, Chair.

The Chair (Ms. Indira Naidoo-Harris): A point of order. Yes, MPP McGarry?

Mrs. Kathryn McGarry: Thank you. I just wanted to clarify my record. When I said that committee members agreed, I was meaning we agreed last week to bring the legal counsel down and members from the TBS to answer some of the questions. That’s what I meant by committee members agreeing—to hear out TBS. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you for the clarification, MPP McGarry.

MPP Walker?

Mr. Bill Walker: Just in the spirit of transparency and accountability, member McGarry has a motion on the floor and I think the original intent—how I read it is: “I move that we strike the possible recommendation from the legislative researcher regarding O. Reg 143/15 from the report.”

I think everyone around the table can at least live with that. I think that was what it was originally. I’m not certain why it evolved to a further point and I would ask her to respectfully reconsider, leave that motion on the table and we can deal with that as an order of business.

The Chair (Ms. Indira Naidoo-Harris): Further discussion? MPP Ballard.

Mr. Chris Ballard: I’ve listened to the discussion today, Madam Chair, in terms of both the issue at hand and the second proposed amendment by MPP McGarry. I guess I have perhaps a simpler take on this. It sounds like we’re perhaps not moving ahead with voting or we’re voting not to move ahead with the amendment, which in my mind leads me to the question: Why do we need to keep the preamble and all of the rest of it in?

If we’re not moving ahead with it, why do we have the rest of it in? It’s not like it disappears. It is on Hansard. It is searchable. It’s there in the public record, so it’s not like anything will disappear into the ether after today. I’m just thinking in terms of tidiness of the report. If we’re not moving ahead with a possible recommendation, then all of the discussion around it doesn’t need to be there either.

The Chair (Ms. Indira Naidoo-Harris): Further discussion of this motion? MPP French.

Ms. Jennifer K. French: A couple of things: One, in the past, as I had mentioned earlier, when we have been given recommendations and, as a committee, we have chosen not to go forward with them or to not accept them, when we made that choice at the time, was then the preamble stricken from the report as a result? Was that sort of a by-product of that decision?

The Chair (Ms. Indira Naidoo-Harris): Legislative researcher?

Mr. Andrew McNaught: When you’re talking about the preamble, are you talking about the “Issue” box here or the—

Ms. Jennifer K. French: No. What I mean is that we have sat here before and we’ve had recommendations

before that we have accepted and others that we have rejected—

Mr. Andrew McNaught: As I said a couple of weeks ago, the committee basically has three options: You can report a regulation with a recommendation, you can report a regulation without a recommendation, or you can choose to strike it from the draft report altogether. Certainly in the past, you've reported regulations without any recommendations.

Ms. Jennifer K. French: And at that time, without any recommendations, was the entire—

Mr. Andrew McNaught: The discussion was included as is.

Ms. Jennifer K. French: So this would be an exception to what we have been doing report after report, recommendation after recommendation?

Mr. Andrew McNaught: No, I wouldn't say that. That's one of your options, to remove the discussion altogether.

Ms. Jennifer K. French: Okay. Because we haven't made that choice since I've been on the committee, I'm just asking for clarification if that's common practice or if we've done it.

My other recommendation then is—or question to MPP Ballard's point, that while we're—well, we're not. While the government wants to strike this from the report, is it in order to ask to staple a copy of Hansard from today to the report when we submit it, in the spirit of keeping the discussion alive and on the record and accessible?

Ms. Indira Naidoo-Harris: I'm going to ask the Clerk to chime in on this.

The Clerk of the Committee (Mr. Christopher Tyrell): It's at the will of the committee. If the committee decides they'd like to include a transcript of Hansard, that's an option. If the opposition decided to go ahead with a dissenting opinion to the report, then that could be included as part of your dissenting opinion.

The Chair (Ms. Indira Naidoo-Harris): Further discussion of this motion? MPP Walker.

Mr. Bill Walker: So counter to MPP Ballard's comment, if it's so accessible, so easily addressed, why the big issue to get rid of it totally from the report? Why would we not leave it in the report? It seems to me that if you want so adamantly to get rid of it, there's something that you want to hide or something that isn't there. So it's really back to accountability and transparency.

I think what we're saying from this side of the table is that we've discussed it, we've had counsel in and we now understand the issue. There's a motion that suggested striking the possible recommendation, not striking the whole report. To me, there is something else going on here and I want it on the record, and if we go down the path that they're going to strike it, then I will be asking that we are able to provide a dissenting report.

1000

The Chair (Ms. Indira Naidoo-Harris): MPP French?

Ms. Jennifer K. French: I appreciate Mr. Walker's point, and I would be pleased to also offer a dissenting opinion in whatever formal means I have.

But also, we have a job at this committee, and we're still learning what that job is. We take counsel from the Clerks and from everyone involved. We've had a recommendation put before us. We have had a fulsome discussion. I would like the people of Ontario to see where we started and where we ended up, and that we've done due diligence. I think that I would like to see that reflected by not striking the discussion, to show that we have indeed been open and transparent. I think any time we're talking about advertising, we should keep it open, transparent and on the record—any conversations we've had.

I would think that the government would also want to show we have had a fulsome, educated, informed discussion on this topic.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. We have a motion on the table. Further discussion of this motion? MPP Ballard.

Mr. Chris Ballard: I just will make one final comment. I really didn't want the discussion to go from the ridiculous to the sublime, but I think it has, with assertions of "because the government wants it, it must be trying to hide something"—completely inappropriate, in my perspective. Making a mountain out of a molehill—that's fine.

As I said before, Madam Chair, this was a matter of one of the options that this committee has used time and again: to strike from the draft report. It's within the parameters of what this committee is allowed to do. In my mind, it was a simple housekeeping issue. But this seems to have touched a nerve, for whatever reason.

I'll leave it there. Perhaps MPP McGarry can finalize.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry, for the discussion of the motion.

Mrs. Kathryn McGarry: I appreciate all comments. All I was going with was one of the three options from our legislative researcher. Option 3 was to remove it from the report and move on. There's not one reason in the world why I'm moving to strike the discussion, except that that has been done in the past—because we have nothing to hide. I would agree with MPP Ballard. It was a housekeeping issue.

If we want to leave the discussion in, I'm fine with that. We'll move to strike the possible recommendation, and we'll move on. Our legislative researcher gave us three options. In all honesty, I thought we were going with option 3. I'm happy that we just strike the possible recommendation.

But I do want to reiterate that this discussion is on Hansard. It's not hidden. It's not being removed. It's not that we haven't had this discussion, and that it goes into the ether. It's on the record. It's on Hansard.

If the rest of the committee feels that we will leave the discussion in, I'm happy to do that. I'm glad that we've had this fulsome discussion. But in all honesty, I thought

we were moving ahead with option 3 that the legislative researcher was talking about. If we leave the discussion in, I'm happy with that. Just move to strike the possible recommendation, and we'll go with that.

The Chair (Ms. Indira Naidoo-Harris): Okay. I feel that we've had sufficient discussion of the motion that is on the table right now. Are we ready to vote?

Ms. Jennifer K. French: Recorded vote.

The Chair (Ms. Indira Naidoo-Harris): Recorded vote. All those in favour of the motion that is on the table, moved forward by MPP McGarry, that strikes the possible recommendation from the legislative researcher regarding O. Reg 143/15 from the report?

Ayes

Ballard, Hoggarth, Lalonde, McGarry.

Nays

French, Martow, Walker.

The Chair (Ms. Indira Naidoo-Harris): The motion is carried.

We have gone through the report now, and we shall move forward.

Shall the draft report on regulations made in the first six months of 2015 carry? Carried.

Who shall sign off on the final copy of the draft? The Chair? Carried.

Shall the report be translated? Yes.

Shall the report be printed? Yes.

Shall I present the report to the House and move its adoption? Yes.

Thank you very much, everybody.

The committee adjourned at 1005.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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Mercredi 6 avril 2016

Standing Committee on
Regulations and Private Bills

Comité permanent des
règlements et des projets
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 6 April 2016

Mercredi 6 avril 2016

The committee met at 0904 in committee room 1.

COMMITTEE BUSINESS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everybody. This committee will now come to order.

Before we begin this morning, we actually have to deal with a bit of an organizational matter. Yesterday's change in committee memberships has created a vacancy on our subcommittee on committee business, and we need a motion for someone to replace Ms. Vernile as the Liberal representative.

Would someone like to move a motion? MPP Joe Dickson.

Mr. Joe Dickson: I will move that the one and only Kathryn McGarry replace Ms. Daiene Vernile on the subcommittee on committee business.

The Chair (Ms. Indira Naidoo-Harris): Is everybody in agreement on that? All agreed? Agreed. Carried.

CORPORATION
OF THE MUNICIPALITY OF HURON
SHORES AND THESSALON FIRST
NATION ACT (TAX RELIEF), 2016

Consideration of the following bill:

Bill Pr38, An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation.

The Chair (Ms. Indira Naidoo-Harris): We are here this morning to consider three private bills.

I would ask the sponsors of Bill Pr38, An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation, to please come on up and take a seat. I ask that the sponsor please introduce himself and then have the applicants introduce themselves, too.

Mr. Michael Mantha: My name is Michael Mantha, the MPP for Algoma-Manitoulin, and I'm here with my guests from—

Mr. Paul Cassan: —Huron Shores. My name is Paul Cassan. I'm counsel for the municipality.

Mr. Gil Reeves: My name is Gil Reeves, mayor of the municipality of Huron Shores.

The Chair (Ms. Indira Naidoo-Harris): Does the sponsor have any comments that you would like to make about this?

Mr. Michael Mantha: Well, this has been a very long process and there has actually been a lot of work that has been done here on behalf of counsel and the mayor. I think what needs to be commended is the amount of work that has gone into establishing the relationship and the partnership that has developed between Huron Shores and Thessalon First Nation. They've worked extremely hard for the common interest of themselves. This is what you see from that product. Putting that dedication and that commitment of caring and being neighbours towards communities, you develop this type of paper, which will essentially help in assisting to resolve the issue.

I'll turn it over to the counsel in order to provide a more detailed explanation.

Mr. Paul Cassan: I'm not sure how much the committee knows about this bill, but as Mr. Mantha indicates, Huron Shores and Thessalon First Nation have an excellent relationship to date.

The issue that faces the municipality is that the First Nation has a land claim over a large portion of the area of Huron Shores and some area to the north. They own two properties that they received as a result of giving up their rights to the roads and the right-of-ways within Huron Shore. Part of the exchange was that they got these two properties within Huron Shores, and they're registered owners on title.

The problem with that, for the municipality, is that then makes those properties assessable for taxes. So the properties have been assessed for taxes since the year 2000. Of course, the First Nation takes the position that they're not subject to the municipal tax, and they have not paid any of the municipal taxes at all. That gives rise to a large account receivable for the municipality, but the biggest problem for the municipality is that they have to pay the assessment-based levies for the OPP and for the DSSAB for education, notwithstanding that there's no money coming in from the properties.

There are very few remedies that are available for the municipality. There are essentially three remedies under the Municipal Act that they could use—and, well, decide whether or not they would use. They could sue the First Nation, which would end up with a judgment that they would not likely be able to enforce. They could attempt to seize property; however, property of the First Nation on the reserve is not seizable, so that doesn't work. The third option is that they could put the property up for a

tax sale, which they did do. Last month, Thessalon First Nation brought an application before the Superior Court and obtained an injunction to prevent the municipality from going ahead with the tax sale. So the municipality is in the position now where there is no way that they can recover the arrears or otherwise take any effort to solve this problem.

The bill of process started more than a year ago, and it would solve the problem for the municipality because if the properties in question became exempt from taxation then the municipality would not have to pay the education tax or the assessment-based levies. So this solves the problem in a manner that avoids litigation and acrimony between my client and the First Nation. It's a way to preserve the neighbourhood, if you will, and solves the problem for the municipality, so we're certainly asking the committee for your support in this instance.

0910

I know that this is an unusual situation in that, most of the time that you're dealing with an application for a tax-relief bill, there's a charity involved and it's the owner of the property that's coming forward to seek the private bill. That's not the case in this situation because it's the municipality themselves that are suffering because of the situation that they find themselves in. But we're certainly hopeful that the committee will assist us to solve this problem.

The Chair (Ms. Indira Naidoo-Harris): Are there any other interested parties in attendance that would like to make a comment? Any interested government parties in attendance that would like to make a comment? Okay, we're now going to go to questions and comments from committee members. MPP McGarry.

Mrs. Kathryn McGarry: I wanted, first of all, to commend your municipality in working very closely with the First Nation, offering that arm of friendship. Working collaboratively is one of the best solutions to begin with.

One of the questions I would have: I know that First Nations don't pay tax on-reserve but they have to pay tax off-reserve. If I understand correctly, these two properties are not adjacent to the reserve lands; they are actually separate?

Mr. Paul Cassan: The answer to that is yes and no. There are two properties. The one property—we call it the bushland or the waterfront property—is adjacent to the reserve as it is laid out right now. The other property, which is the tree nursery, is a commercial property a fair ways north of the reserve, so it's not adjacent to the reserve.

All of that being said, the First Nation takes the position that these properties are actually within the boundaries of the reserve that was negotiated with the treaty in 1850. That's the basis for their claim that this property is not subject to tax.

They have brought forward a land claim, both with the federal and the provincial government. The federal government has now been required to come back to the table to negotiate that, and we understand from speaking with legal counsel for the First Nation that the province's

mandate to negotiate is imminent but it has not hit the table yet.

They are, according to the Thessalon First Nation, within their reserve. Does that answer your question?

Mrs. Kathryn McGarry: Yes. And again, the status of the claim, as you said right now, is pending. Is that correct?

Mr. Michael Mantha: Actually, just to add to the conversation, I did receive confirmation from the Ministry of Aboriginal Affairs that there has been merit that has been indicated on the claim, which would reopen it so that they can pursue an ongoing discussion on settling the land claim.

Mrs. Kathryn McGarry: I appreciate that. So because you don't have a date yet you decided to come forward with this bill, if I'm correct.

Mr. Michael Mantha: As you can appreciate, this has been going on for quite some time, and it's creating a big financial hardship on the municipality. This is going to get resolved one way or another. Again, a lot of work went into this with the First Nation to set this aside as the decision gets resolved both at the federal and provincial levels.

Mrs. Kathryn McGarry: You were talking about one of the ways a municipality can deal with this is to send the First Nations a tax bill annually and then deem it uncollectible. So far, if I understand correctly, the municipality hasn't done that. How much would that cost per year, to deem it uncollectible on the books?

Mr. Paul Cassan: There is a process under section 364 of the Municipal Act that allows the municipality to cancel the taxes, which is, I think, the process that you're talking about.

At least one of these properties is not eligible for that process because it is a commercial property. It's a tree nursery that's being operated by the First Nation. So it's not eligible for that process.

The other factor with respect to that process is that the owner of the property has to apply to the municipal council for cancellation of those taxes and has to satisfy the municipality, on an annual basis, that the taxes are unduly burdensome.

The First Nation takes the position that they're not subject to that, so they're not bringing those applications forward. So we don't have an applicant, even if the property was eligible for that. So that process doesn't solve our problem.

As for the amounts of money—do you want to speak to the amounts of money that this is causing to the municipality?

Mr. Gil Reeves: The current receivable is about 30% of our annual tax levy. Therefore, it's crippling, to say the least, in terms of our financial position. The First Nation's position is that these lands that we're talking about are unsurrendered lands, based on what happened with Robinson-Huron in 1850. The chief and I have worked together for years now to cause our communities to be one, and we're trying to get through this process with our communities as one.

Huron Shores envelops Thessalon First Nation, and that's a top priority. Our people live and work together every day, and we want that to be the case going forward. We need to have a remedy for this particular situation.

The Chair (Ms. Indira Naidoo-Harris): Sorry, any further questions and comments? MPP McGarry.

Mrs. Kathryn McGarry: Yes. At the moment, the Ministry of Aboriginal Affairs is creating a process to allow First Nations communities to add lands to their reserve. It's not ready yet, but it's under discussion right now. You said that one of those lands is adjacent to it, so I think that will help to resolve it.

One of the issues that I would have an issue with and I think may be an issue is that this situation may set a precedent in Ontario while we're undergoing this review. If we set this up as a precedent, it may be cited in further issues across the province where this kind of solution wouldn't be appropriate.

I'm going to recommend that we disallow this bill from going forward right now, send this to the Minister of Aboriginal Affairs and ensure that they can give you a timeline as to where their review is coming up. I certainly understand and recognize the issue for the municipality—it's been going on since 2000—but I'm at least satisfied that our Ministry of Aboriginal Affairs is already undergoing some of these processes in the near future, to be able to allow these things to occur.

I am also concerned with land claims issues. Some of those claims are coming forward to be resolved in the fairly near future as well, as you were saying.

At the moment, I think it's more appropriate to look at these kinds of situations over the whole province rather than just a one-off. As I said, I'm concerned that the precedent would set up some other unintended, consequential issues in another part of the province where it wouldn't work.

The Chair (Ms. Indira Naidoo-Harris): Thank you for your comments, MPP McGarry.

MPP Walker.

Mr. Bill Walker: I find it very interesting that, for a government that professes to always want to have collaboration and co-operation and to resolve things for First Nations, they're actually going to drag this out.

It seems to me that they've found a workable solution that is agreeable to both parties. In the documents that we've been provided, it says, "It is appropriate to grant the application." I find it very troubling that the government would actually delay and potentially cause rifts within the community when it's trying so hard to resolve a situation and has put a lot of time and energy into it.

I would ask the government to reconsider and allow this bill to go through.

The Chair (Ms. Indira Naidoo-Harris): MPP Yurek and then MPP French.

Mr. Jeff Yurek: MPP Mantha, thank you very much for bringing this forward. Coming from another bench than where you sit, I think you do a wonderful job at

representing your constituents, and I'm glad you brought this forward.

The way I see this bill is, it doesn't affect First Nations at all. They're not getting any extra tax or any lien. What this is doing is saving the municipality some money at the end of the day—saving the community some offset of money.

0920

I believe that this government needs to return some autonomy back to the municipalities in this province. There's a lack of it. We saw it with wind turbines, where no municipality has a say in what occurs at any time. It has been proven in the last round of giving out turbine contracts.

This is a municipality that is looking to solve its own problems, which will find a savings for the community. It will take care of a tax issue which cannot be solved. And the government's only pronouncement is, "Somewhere down the road, somewhere when the bureaucrats get things together and maybe we get around to it, we might have a solution to this, but you're going to have to suffer until that happens." I find that outrageous. I think the government needs to rethink this idea and maybe send it back to the staffers who are sitting over there to run up to the minister or run up to your House leader. This is ridiculous.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: I have a couple of points of clarification, as well, in terms of what the government has just put forward in saying that the Ministry of Aboriginal Affairs is working on something that has to do with adjacent properties. Just for clarification's sake, the federal piece of the land claims is obviously separate from the provincial level, but if I understand correctly, based on the treaty of 1850, the Thessalon First Nation is saying that these two properties are part of their lands. So it isn't about being adjacent. It isn't geographic. It's part of their land, but that has yet to be resolved formally through the federal claim. Is that correct, give or take?

Mr. Gil Reeves: The federal government still recognizes the claim. They have done so for this whole century, pretty much. The claim rose in 1997. Ontario rejected the claim in 2007, and now, from what I've heard, is reconsidering granting a mandate to look into this particular situation. Just to supplement what you had said, we had already proposed to Thessalon First Nation that they do additions to reserve, as you had suggested. The parliamentary secretary in Ottawa made the same suggestion. Thessalon First Nation declined, in that "It's unsundered land, so why should we do that?"

Ms. Jennifer K. French: So recognizing the land as part of reserve doesn't necessarily say that it is adjacent; it says that it is "a part of." Back to my colleague across the way suggesting that the Ministry of Aboriginal Affairs is looking at this and what lands are adjacent: I have concerns because if that's the process, this will never be found to be adjacent. Following that line, I think, would end up further and forever disqualifying

you, so I have significant concerns about that. I have concerns that they would come to the table all ready to disallow the bill. That I find concerning before we've had the process.

To echo my colleagues in the opposition benches here, I'd like to be on record saying that we should allow this bill. We do have partners who have come to the table saying that there is a workable solution. As the government had asked the question of you, could you deem it uncollectible? You've said no, so whatever government workaround they were hoping to suggest is not an option in this case. You've come to the table with a solution, as you've mentioned. You said that the current receivables are about 30%. I've never run a municipality, but that sounds like an awful lot of money to be talking about, so I would also be in favour of allowing this bill. I find it very disappointing and concerning on the greater scale that the government is suggesting to disallow it.

The Chair (Ms. Indira Naidoo-Harris): Thank you for your comments, MPP French. First MPP McGarry, and then MPP Walker.

Mrs. Kathryn McGarry: Thank you very much, Chair. I wanted to reiterate a couple of things. Number one, land claims issues are a very complex issue and require some co-operation between the federal and the provincial governments. Only just recently do we have a federal government in place that's going to be actually looking at these issues seriously with the provinces. To date, we've had a federal government—up until last October—who were uninterested in pursuing a collaborative work space.

I know that the Minister of Aboriginal Affairs is meeting with his federal counterpart and finally getting some co-operation to be able to look at some of these solutions in a more holistic way. That's why I'm saying that this is a new day, compared with even a year ago, where we are at with land claims issues.

The second thing that I wanted to reiterate is that the Ministry of Aboriginal Affairs is creating the process. They're not thinking about it; they're not discussing it. They are creating the process to add lands to the reserve as we speak. I don't know if it's adjacent or not adjacent. That is not determined yet. I just want to clarify that they are creating the process as we speak. For myself, it doesn't mean that this issue may not go forward in the future. I can't know that for sure. But I do know that the ministry is creating that process right now that may address this.

The concern is, because each First Nation—I think you would be very familiar with this. Each band, each First Nation community, is quite unique and quite individual, and one First Nations solution may not fit the other one. I have First Nations in my own area as well. I live along the Grand River watershed, where the Six Nations has issued some land claims on those sites. The solution that you're proposing here may not work for the one in my area.

All I'm suggesting is that the ministry is already working on that solution. We have a federal partner in

place now that's willing to work with us, which is a first in a few years, and we're already seeing some of the results of that.

I'm not saying that it may or may not be adjacent. I understand one of these lands is, and one piece isn't. But that's not something that I can preclude, because I don't understand the work that they're doing right now, because I'm not in that ministry.

I just really want to reiterate that it's more appropriate at this time. I know you've waited a long time to come to a solution with this issue—as you said, since the year 2000—but we're close on that in our own ministry. I would be reluctant to see an inappropriate solution for another land claim that may reopen and delay some of this work coming forward because one First Nation may say, “Well, it worked over there, so I want that,” and it derails it. So I'm just asking for a bit of patience while we complete this process, and go from there.

The Chair (Ms. Indira Naidoo-Harris): If the sponsor of the applicant wants to make a comment, please go ahead, and then we'll move on.

Mr. Michael Mantha: Yes, I'd like to. I'm trying not to express my frustration with your response that you're not going to permit this to go forward. What you have here—in a way, I'm looking at it as precedent-setting for many First Nations. In your comment that you just made, you're absolutely correct that not each of the First Nations out there would agree. However, we've seen that Huron Shores and Thessalon have showed leadership in regard to how this addresses their particular issue. In no way, shape or form would this be imposed on anybody else.

You talk about the process that the government has in place, or has engaged into place. I've talked with aboriginal affairs, and I would encourage you to go back to them. We're looking at four to five years down the road. This is four to five years of just establishing what that process will look like. This is four to five years more of financial hardship that is going to be expected and imposed on this First Nation, along with Huron Shores.

These land claims can take years before this happens. This is a remedy to address the situation right now. This is what we are always encouraging our communities and our First Nations communities—we should be taking an example from these First Nations and these communities, who have actually sat down and engaged in a process as far as addressing a concern. We should be embracing this, is what we should be doing.

The Chair (Ms. Indira Naidoo-Harris): Thank you for your comments. We'll move on to MPP Walker and then MPP French.

Mr. Bill Walker: Mr. Mantha and I, as in many cases, are on the same wavelength. I find this very strange that you have a First Nations that has actually agreed to this—they want this to happen—and yet the government is going to stand up and say yet again, “No, we know best. We're going to hold this up”—my colleague Ms. McGarry said she's unsure how long. Anything with First Nations is a long, drawn-out process. It's not going to be

solved just because the minister is having a couple of nice conversations with his federal counterpart. That's playing a bit of politics, frankly.

If they're going to deny this bill, they need to go to Huron Shores and explain to the residents of that community why they are going to miss out on other very valued services, that the money that they're currently paying could go to other services for four or five years or even longer.

0930

As my colleague Mr. Yurek said, it needs to give accountability back to local government. You've done the right thing, you've gone to the table, you've worked with your partner and you both agree. Why does the provincial government deem that they need to come in and say, "No, no, no. We know best for you"?

Here's the resolve. This is what we should be doing more and more of. You can actually make this happen today by doing the right thing and staying out of the affairs of something that's already a solution. I strongly suggest that you give reconsideration to this and allow this bill to pass. At the end of the day, if not, then I think some of you and your cabinet ministers need to go to Huron Shores and explain face-to-face to the people there why you denied something that they collaboratively worked on to find a solution that can work today.

Mr. Michael Mantha: Chair, can we—

The Chair (Ms. Indira Naidoo-Harris): Sorry?

Mr. Michael Mantha: Can we—

The Chair (Ms. Indira Naidoo-Harris): Of course, you can respond to the comments and questions being posed by the committee members.

Mr. Paul Cassan: Ms. McGarry, I'd like to answer the comments that you've made with respect to the process, and I'd like the whole committee to understand what this bill does. First of all, the process that you're coming forward with for additions to reserves is interesting and it will probably help a lot of other First Nations, but it's not applicable to this one. The reason for that is that the First Nation takes the position that these are already part of their reserve, so they're not going to be going through an addition-to-reserve process. The addition-to-reserve process is one that's used if a First Nation acquires some property that is not part of the reserve and it adds it in to be part of their reserve so that they can grow their land area. That's not applicable in this situation, because they're taking the position that it's already part of their reserve. So that solution isn't going to solve this problem.

The other important thing to understand is that this doesn't really have a precedential value for most cases, because this land claim is based on unsundered land. For most of the treaties that were negotiated, the First Nations surrendered the land and then the provincial government held the reserve in trust for the First Nation. This was negotiated differently, and so it has different language. In that respect, it's not precedential.

But the important point to realize is that this bill doesn't really have anything to do with the land claim.

What this bill solves is that the First Nation is not paying any tax on this. What that means is that the residents of Huron Shores—because of the education levy, because of the DSSAB, because of the OPP billing—are having to pay out of their taxes the amounts to satisfy those bills. And I'm not talking about legislative bills; I'm talking about bills for services. So the other people in the municipality are paying for the services that are being given to this property. It hasn't got anything to do with the land claim; this is entirely a tax solution issue.

I fear that the solution that you're putting forward, while it may be commendable, isn't going to solve this problem. The problem is that my client continues the financial bleeding on an ongoing basis until it's resolved. This bill doesn't speak to the land claim, whether it's good, bad, successful, likely to succeed or not. It only solves the tax problem for the municipality, so I hope that you'll reconsider as well.

The Chair (Ms. Indira Naidoo-Harris): Okay. I am just going to ask the applicants and the sponsors to keep your comments directed to the ones posed by the committee member just before you.

We are moving to MPP French and then MPP McGarry. MPP French.

Ms. Jennifer K. French: I appreciate the clarity on some of those points. I think we all do. To the point made earlier by the member opposite, all of these situations are going to require a unique lens, and they're going to have unique pieces to them. So I think what is commendable is that here we have a unique solution. It's not going to be a one-size-fits-all across the province, obviously. It's very specific to these partners who have brought this issue here.

Certainly I think that while the government is creating a process to add lands—perhaps not adjacent; I take the point there—that process is going to be a solution for the whole province. What works for one may not work for another. I think this is a case that, when we're presented with a unique solution that fits, we should not just take it under advisement but appreciate it.

I have concerns any time the government says, "Don't worry; we'll look after it"—the government-knows-best kind of thing. I think that that feeling would negate the process that you have been engaging in, certainly, outside of this room and for years. You have come to the table with a solution. We should be saying, "Thank you so much for coming up with this solution," and we should be allowing it.

I do appreciate the additional understanding that that government process is never going to be relevant in this unique situation—I hope that they're listening to this part—that government—

Interjections.

Ms. Jennifer K. French: Excuse me. Okay. That government process is never going to be—

Interjections.

Ms. Jennifer K. French: Colleagues? I just want them to be clear, because I appreciate what you had said.

Ms. McGarry and the others—I want them to hear this. Well, they can read it in Hansard.

The additions to reserves—this government process of adding lands to reserves—is never going to be relevant to your situation, so telling you to just sit tight and be patient is irrelevant—it is, I think, disrespectful—because that is never going to connect with this situation. Your situation, as you have said, is a tax exemption. You're not adding land. The point is, it's already part of the land.

Thank you for coming to the table with a solution that fits a unique situation, because I am seeing that the government would not ever be breaking it down into appropriate, unique solutions. They're going to look at a strategy that works for most or many, and that's not what we have here. I would recommend that the government change their mind.

I do have a question for the Clerk. If this is disallowed today, will they ever be able to come to this table again with the same or a similar solution that fits, once the government goes back, does their homework and realizes, "Oops, we made a mistake"? Will they have a recourse?

The Clerk of the Committee (Mr. Christopher Tyrell): My understanding is that they could reapply for this, but it will go through the same process, so it will end up back here. The committee at that point would have to determine whether they would want to allow that bill to go forward or not.

Ms. Jennifer K. French: So potentially, if the government had done its homework and realized that adding additions to reserves is irrelevant when it comes to this particular situation—that they should have allowed it initially—they could then change their mind if they decide to truck on through today. Is that correct?

The Clerk of the Committee (Mr. Christopher Tyrell): They would be eligible to reapply for a similar, or the same, private bill at some point in the future, yes.

Ms. Jennifer K. French: Hopefully that won't be necessary, but thank you.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP French. I am keeping track of who is next. I don't know if the committee members wanted to respond, but MPP McGarry is next to make a comment.

Mrs. Kathryn McGarry: Again, I'm reiterating the fact that the Ministry of Aboriginal Affairs is creating that process. But I know that when we get these one-off situations, it has implications not just for the Ministry of Aboriginal Affairs but also for the Ministry of Finance, which is responsible for managing taxation and arrears and all those pieces that we are talking about.

Again, if we make the decision to allow some of these precedent-setting cases to go ahead, we end up sometimes with unintended consequences across the province that can really unfairly advantage another property owner, whether it be a First Nation or someone else. This is why I'm encouraging you to continue to work with both ministries to locate a solution. At the moment, because of those unintended consequences that may occur, and because the two ministries that are affected

right now are in the midst of this process, I'm reluctant to let this go forward at this time. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Please go ahead.

Mr. Paul Cassan: Ms. McGarry, I have had conversations with three legal counsel for the Ministry of Finance who did come up with some options, and that's one of the reasons that I was able to answer your question now about the fact that this is not property that is eligible for us to cancel the taxes on. That was the suggestion that they had put forward. We have been speaking to them, and I understood that that resolved the questions from the Ministry of Finance.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: It seems to me that we have a solution in front of us. In the spirit of effective and efficient government, I think what we should do is actually defer for a week, allow Ms. McGarry to go and get further clarification from her finance minister and aboriginal affairs minister, allow the government to go forward to their two ministers.

We have a solution. It's in front of us. Why would we put the municipality and the First Nations, frankly, through undue duress and burden that they don't need to go through? The reality is that if they vote this down today, they're going to have to go back through this whole process for who knows how long before they can come back and even do it.

I just can't fathom that this government is going to interfere when we have a solution in front of us that has actually been negotiated between the two parties most impacted. I can't believe that you're going to let the residents of Huron Shores suffer longer and for more time again when we have it here. We have a solution.

If this was the issue, why didn't we come with answers today, that you're absolutely not going to deny it, and with clarity of when a decision—

Mrs. Kathryn McGarry: Point of order, Chair.

The Chair (Ms. Indira Naidoo-Harris): I understand I have a point of order. Go ahead, MPP McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I understand that committee members and our delegations should be speaking through the Chair. It's not up to Ms. McGarry to go back on behalf of the government; it's up to the committee members. I just want to point that out.

The Chair (Ms. Indira Naidoo-Harris): Thank you.

Mr. Bill Walker: Chair, I will rephrase my thought process. I would ask the members of the government to go back to their cabinet ministers, the two who have been named so far, and have a solution to this within a week, so that these folks from Huron Shores and Thessalon First Nation do not have to go through any more time, frustration and stress.

There's a solution in front of us. We believe that it has been negotiated in good spirit. The two parties most impacted are agreeable to this. Why can the government not see that this is an isolated, one-off incident that can actually clean up something that has been going on for

way too long? The people of that municipality are paying taxes and losing out on other very valuable services that they could be receiving because they're actually still stuck in this situation.

The resolve is here. If the government doesn't want to do it today—I sure hope they don't vote this down and put them backwards for however long, because Ms. McGarry, in her words, did say she is unsure how long it would be. I'm a pretty optimistic person, but I'm not thinking that in the next couple of months this whole First Nations issue that she is talking about is going to be resolved regardless.

I have First Nations in my backyard. They are in court cases. That has been dragging on for years and years and years. There's great intent. There's great spirit. I'm glad to hear you have a wonderful relationship with the new federal government, but at the end of the day, let's talk about Huron Shores and Thessalon First Nation and do the right thing that has to be done.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker, I just want to clarify: Are you proposing to put a motion on the table right now?

Mr. Bill Walker: Yes, I would.

The Chair (Ms. Indira Naidoo-Harris): Okay. Do you have that motion ready to go?

Mr. Bill Walker: My motion is that—if the government is not prepared to support this motion—we defer for a week and they come back with a black-and-white, realistic and defensible reason why they are not going to allow an agreement to go forward that has been negotiated by the two parties most impacted by the situation they find themselves in.

The Chair (Ms. Indira Naidoo-Harris): I suggest that we recess for a few minutes so we can write this motion out properly and get the wording correct. We will recess for five minutes.

The committee recessed from 0943 to 0949.

The Chair (Ms. Indira Naidoo-Harris): All right, our five-minute recess is up. I will ask everyone to come back to the table, please, so we can continue.

We have a motion on the table right now. MPP Walker, please go ahead and read your motion on the table.

Mr. Bill Walker: Thank you very much, Madam Chair. Again, just in the spirit of effective and efficient government, I propose a motion on the floor that the vote on this matter be deferred for one week or the next meeting of this committee.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: I might just ask the member if he would allow a friendly amendment that we could ask the Ministry of Finance officials to come and answer questions of the committee at that time.

Mr. Bill Walker: I would be fine with that. In fact, as I said in my earlier preamble, I think both the Ministry of Finance and the Ministry of Aboriginal Affairs should be here so we can actually get clarity, make a decision—a good decision—allow this bill to move on, and let the

people of Huron Shores and Thessalon First Nation get on with their lives.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): If all committee members are fine with that, the Clerk advises me that we don't need to write it down. We can just go ahead and go to a vote on that.

MPP McGarry.

Mrs. Kathryn McGarry: If it is a friendly amendment, then, yes, I would make the friendly amendment that we have officials from both the Ministry of Finance and the Ministry of Aboriginal Affairs come before the committee to answer our questions.

The Chair (Ms. Indira Naidoo-Harris): MPP Delaney.

Mr. Bob Delaney: Chair, would you please read the full motion, as amended, prior to the vote?

The Chair (Ms. Indira Naidoo-Harris): That's what I was going to do.

MPP French?

Ms. Jennifer K. French: I'm sorry, I just got a little confused. I thought that you just said there was no need to make a formal amendment. Are we amending, are we friendly amending, are we not amending?

The Chair (Ms. Indira Naidoo-Harris): If we are all agreed, once I read out what the amended motion is, then we can move forward, or we can move forward with a vote. That's what I understand—

Ms. Jennifer K. French: I thought you said it wasn't required.

The Chair (Ms. Indira Naidoo-Harris): No. I will have to read the amended motion.

Ms. Jennifer K. French: Okay. Sorry.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): All right. The Clerk advises me that the motion on the floor is the one from MPP Walker. There is an amendment being proposed by MPP McGarry. If MPP McGarry is okay to move forward with reading out to the rest of the committee members what that amendment would be and what the full motion would be, that would be the way to proceed.

Mrs. Kathryn McGarry: I move that the vote on this matter be deferred until the next meeting of committee. Oh, I'm sorry. I didn't read the whole motion. Strike that. Let me start again.

I move that the vote on this matter be deferred for one week or to the next meeting of the committee, and ask officials to come from the Ministry of Finance and the Ministry of Aboriginal Affairs to answer questions that committee may have.

Is that okay?

Mr. Jeff Yurek: Question.

The Chair (Ms. Indira Naidoo-Harris): We have a motion on the table right now.

You can go ahead, MPP Yurek.

Mr. Jeff Yurek: With respect to the amendment to the motion, I just want clarity on how this is going to operate. We're going to have the delegation from Mr.

Mantha's riding here as well, in this discussion. This is what you're proposing? Or are you proposing that this amendment will remove them from the process?

The Chair (Ms. Indira Naidoo-Harris): We will still be considering the bill. This is just an amendment to postpone, essentially, this conversation until we have ministry officials at the table at the next meeting or a week from now.

Mr. Jeff Yurek: But they will still be able to participate in the debate—

The Chair (Ms. Indira Naidoo-Harris): Oh, yes. The applicants will be able to come for that and present, yes.

Mr. Jeff Yurek: Okay.

The Chair (Ms. Indira Naidoo-Harris): It's part of the process.

MPP French.

Ms. Jennifer K. French: Just a clarification question here: Do we have the opportunity to weigh in on this motion? Because I've been seeing my colleague, the MPP from Algoma-Manitoulin, wanting to weigh in. Is that a possibility before we vote?

The Chair (Ms. Indira Naidoo-Harris): It's debatable but, yes, people can make comments.

Ms. Jennifer K. French: Okay, because I had seen him—

The Chair (Ms. Indira Naidoo-Harris): MPP Mantha.

Mr. Michael Mantha: Yes. With the indulgence of the committee, I think it would be fair that—my constituents are here. Huron Shores is not just down the street, a subway ride away. The fact is, they come from long distances. There has been a huge, huge amount of work that has gone into this. I think, in all due fairness, having His Worship here on behalf of his community, that I need you to hear from the mayor in regard to the amount of time, the patience, how much work has gone into this bill in order to assist you in making your decision. With all due fairness, I'm asking the Chair to provide His Worship, Mayor Gil Reeves, the opportunity to express himself to the committee.

The Chair (Ms. Indira Naidoo-Harris): I'm fine with the mayor making some further comments on this issue. Go ahead.

Mr. Gil Reeves: Thank you, Madam Chair.

I wanted to speak briefly or re-underline a couple of things. One was that our council has been in communication with the Ministry of Finance very recently, with three different lawyers from the Ministry of Finance. I particularly wanted to talk about patience. This has been a long-standing difficulty, not between our two communities but among the parties involved here: Canada, Ontario, Thessalon First Nation and the municipality of Huron Shores.

I first met with Minister of Aboriginal Affairs Chris Bentley and described the situation, talked about the MPAC assessability, various solutions that might be instituted in order to solve this situation between our friends and neighbours in Thessalon First Nation and

Huron Shores. Then I met with Minister of Aboriginal Affairs and now Premier Kathleen Wynne and described the situation and various solutions that might be able to come forward to help my neighbours and my community. And then I met with Mr. Zimmer, PA to Minister Wynne, and described the situation and what I said before.

We're looking for solutions to this, and in each of those cases that I've described to that point, I was told, "We're working on this; have patience." I've met repeatedly with Minister Zimmer, described the situation and given updates as to what has occurred in the interim, what efforts we've made and the fact that we've been able to maintain excellent relations with our First Nations neighbours and friends who we live and work with every day.

I just wanted to underline the fact that we have been exercising patience and we've been repeatedly told that something is forthcoming, and that's what's caused us to invest in this effort that we're presenting today to the committee.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much. We do have a motion the table right now for the discussion. MPP Walker?

Mr. Bill Walker: Chair, in light of what I just heard—and it seems that obviously the time frame is fairly significant and long—out of respect for the folks who have travelled here from Huron Shores, I was hoping that the government would actually, by deferring for a week that would give more sober second thought, respect the process that has happened so far. But at the end of the day, I don't want to put the folks who have travelled here a long distance and have invested a lot of time, energy and heart into this—I'm going to withdraw my motion.

I think we're going to call and make this happen today so they have some clarity. I believe and I hope that the government opposite will actually do the right thing and look at this on the merits of a stand-alone case. It has been negotiated by two parties that truly have found a solution. The mayor has talked to every single person who has had the file. They have collectively found a solution to a problem that impacts Thessalon First Nation and Huron Shores. We don't need to be any further involved. I believe this is a bill that we can support; we should all support it and allow them to move forward and have the solution that they've found.

The Chair (Ms. Indira Naidoo-Harris): Ms. French, go ahead.

Ms. Jennifer K. French: I appreciate that you've withdrawn your motion, because I think that while we're here—as we've heard, we're here. We know how difficult it is in terms of travel and transit, and I think it would be disrespectful to drag this out. I'm going to say the same thing I said before, because I want the government to be very clear on the information you've brought forward.

1000

What the government had come to this table today with—whether it's their staffers and the people who help to advise us had suggested we talk about—is to deem this

amount uncollectible. You have said clearly, on the record, through all of the legal opinions that you have been able to get, that it is not an option. That is not an option. So the government suggestion, that would be the fix, is not a fix. It cannot happen.

The other government solution is, "Please wait, because we're creating a process to add lands." While that has merit, and that is a process that I'm sure will benefit many people down the road, it is irrelevant in this case because this is not a land issue. This is a tax issue. You will never benefit or be part of that process, because we're not talking about part of reserves or additions to reserves, ever. So that will never be relevant, even if you wait those four or five years.

The other issue that the government has put up as a barrier is that this is a complicated issue because it is a land claims issue. You have made it clear that this is not a land claims issue before us. This is a tax exemption issue. So all of the homework that had been done on behalf of the government before today's conversation is irrelevant—all three counts.

Government: Please. They are here. They have a solution. You talk about the unique nature of our partnerships with First Nations and municipalities. We have a unique solution here that is not going to be precedent-setting. No one else will be in this situation with commercial lands, and adjacent or non-adjacent, or a treaty from 1850. This is a specific, one-off, unique situation. Let's not pretend that this going to have far-reaching effects. Let's solve this problem today and allow this bill. I can't imagine how you are going to argue that.

The Chair (Ms. Indira Naidoo-Harris): Just to remind everyone, MPP Walker has a motion on the table, and he is advising that he would like to withdraw it.

We have an amendment on the table now. MPP McGarry.

Mrs. Kathryn McGarry: I just really wanted to do one last comment. I certainly understand the issues that you've been through, that you've met with ministry officials from finance and aboriginal affairs. I agree it is complex issue. It's a tax issue as well as a potential land claims issue, so both ministries need to weigh in.

As committee members, Chair, I understand that it's incumbent upon us to make these decisions. I feel that the committee should have an opportunity to ask both ministries and their officials how they weigh in on this particular issue. I feel I can do a better decision with those ministries here to ask questions of. That's why I'm suggesting that they come and speak to the committee. This is the first time that it's come to our committee's attention, and so I think that we can make a better-informed decision with ministry officials to answer our committee questions.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry, just to clarify: I've been chatting with the Clerk, and since MPP Walker is suggesting that he wants to withdraw his motion, there is the amendment on the table right now, so I do need to ask you if you're interested in withdrawing your amendment.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Because we have to deal with the amendment first—just to clarify.

Mrs. Kathryn McGarry: I'm sorry, can you repeat that?

The Chair (Ms. Indira Naidoo-Harris): Sure. I'm going to ask the Clerk to just explain the situation to everyone.

The Clerk of the Committee (Mr. Christopher Tyrell): Mr. Walker moved a motion. Ms. McGarry moved an amendment to that motion. Mr. Walker has now indicated that he would like to withdraw his motion, but the amendment is what's currently being debated. I believe the Chair is asking whether you would like to withdraw your motion, so that Mr. Walker can withdraw his motion.

Interjections.

Mrs. Kathryn McGarry: Chair, can I have a two-minute recess, please?

The Chair (Ms. Indira Naidoo-Harris): A five-minute recess.

The committee recessed from 1005 to 1010.

The Chair (Ms. Indira Naidoo-Harris): All right, our five-minute recess is now over.

Ms. McGarry, you have the floor.

Mrs. Kathryn McGarry: Thank you, Chair. I will also withdraw my motion.

The Chair (Ms. Indira Naidoo-Harris): All right. MPP McGarry is withdrawing her motion. We are now considering Bill Pr38—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Apparently, according to the way things are done—MPP Walker, do you withdraw? Now we have to ask you.

Mr. Bill Walker: Yes, I do, Madam Chair. I withdraw my motion.

The Chair (Ms. Indira Naidoo-Harris): Do we have unanimous consent, then—everybody agrees—that the original motion and the amended motion are now withdrawn? Agreed. All right, okay.

Moving forward, any further debate, or are we ready to start considering Bill Pr38?

MPP French.

Ms. Jennifer K. French: I'm hoping that the government will change its mind and that we can vote to allow this bill. We appreciate their travelling all the way here. I have no idea what it costs to travel here. My understanding is that you're a small municipality and that this been quite an arduous process. I apologize for that part of it. But, anyway, here we are. Thank you for your presentations.

I certainly would challenge the government to realize that the three arguments they brought to the table have all been taken off the table, so I hope that they realize that there's an opportunity here to embrace a unique solution and to make a decision that impacts so many people. I hope that they do right by you and your communities.

The Chair (Ms. Indira Naidoo-Harris): In the interests of time, MPP Walker, I'm just letting you know that we are—

Mr. Bill Walker: I definitely agree. All I want to do, Madam Chair, is ask for a recorded vote.

The Chair (Ms. Indira Naidoo-Harris): All right. On each section, or just the final?

Mr. Bill Walker: Each.

The Chair (Ms. Indira Naidoo-Harris): Each section. All right, we are now going to move forward with our votes.

Bill Pr38, an Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation: Shall section 1 carry? This is a recorded vote, so, please, hands up.

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): Shall section 2 carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): Sections 1 and 2 are lost.

Shall section 3 carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): Section 3 is lost.

Shall section 4 carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): Section 4 is lost.

Shall section 5 carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): Section 5 is lost.

Shall the preamble carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): The preamble is lost.

Shall the title carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): That is lost. Shall the bill carry?

Ayes

French, Walker, Yurek.

Nays

Delaney, Dickson, Mangat, McGarry.

The Chair (Ms. Indira Naidoo-Harris): The bill is lost.

Thank you very much, everybody. That will wrap up this session of the committee. We will reconvene next week to consider the other two bills before us, Bill Pr39 and Bill Pr40. Thank you very much.

The committee adjourned at 1014.

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Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mrs. Kathryn McGarry (Cambridge L)

Ms. Indira Naidoo-Harris (Halton L)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Catherine Oh, legislative counsel

T-23



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Wednesday 13 April 2016

Journal des débats (Hansard)

Mercredi 13 avril 2016

Standing Committee on
Regulations and Private Bills

Comité permanent des
règlements et des projets
de loi d'intérêt privé



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS

Wednesday 13 April 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Mercredi 13 avril 2016

The committee met at 0902 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order.

We have a bit of a busy morning today. There are four items on our agenda, so let's get going.

CORPORATION
OF THE MUNICIPALITY OF HURON
SHORES AND THESSALON FIRST
NATION ACT (TAX RELIEF), 2016

Consideration of the following bill:

Bill Pr38, An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation.

The Chair (Ms. Indira Naidoo-Harris): First off, a bit of a housecleaning kind of issue. The first item is Bill Pr38, An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation. Last week, this committee voted down each part of the bill but we were kind of rushed for time and didn't get to the last question to be asked. We did not vote on whether the bill should be reported back to the House. As I said, it's just a bit of a housekeeping issue right now.

I'm going to put the following question to all of you so we can tie this up and move on with the other three bills that we're looking at today. The question being put forward right now is, shall I report that the bill not be reported to the House?

Interjections.

The Chair (Ms. Indira Naidoo-Harris): This is Bill Pr38. Shall I report that the bill not be reported to the House? Essentially, the bill was voted down so the question that has to be asked is, shall the bill not be reported to the House?

All those agreed—sorry, one moment. MPP Walker?

Mr. Bill Walker: A point of clarification, Madam Chair: How would the Legislature know that we've even dealt with this if it doesn't go to the House? Why would we not send it to the House so they at least know what happened with this?

The Chair (Ms. Indira Naidoo-Harris): I'll ask the Clerk to answer that.

The Clerk of the Committee (Mr. Christopher Tyrell): Essentially, by passing the motion that was just

proposed, the Chair of the committee will report to the House that the bill not be reported. It will be brought to the attention of the House that the bill is not being reported back.

The Chair (Ms. Indira Naidoo-Harris): So can we move on with this? MPP McGarry?

Mrs. Kathryn McGarry: Just one last comment: All of the committee proceedings are reported on Hansard.

The Chair (Ms. Indira Naidoo-Harris): That's right. Thank you.

So I'm going to put forward the following question again: Shall I report that the bill not be reported to the House?

Mr. Jeff Yurek: Recorded vote.

Ayes

Delaney, Dickson, Mangat, McGarry.

Nays

Gélinas, Walker, Yurek.

The Chair (Ms. Indira Naidoo-Harris): Carried. We will now move on to Bills Pr39, Pr40 and Pr41.

CORPORATION OF MASSEY HALL
AND ROY THOMSON HALL ACT
(TAX RELIEF), 2016

Consideration of the following bill:

Bill Pr39, An Act respecting The Corporation of Massey Hall and Roy Thomson Hall.

The Chair (Ms. Indira Naidoo-Harris): Let's start with Bill Pr39, An Act respecting The Corporation of Massey Hall and Roy Thomson Hall. If the sponsor and those involved could come up, please, and also take their seats.

Mr. Han Dong: Good morning, Chair, and good morning, members of the committee. In front of you is the private bill, Bill Pr39, An Act respecting The Corporation of Massey Hall and Roy Thomson Hall. The board of governors of these two organizations has applied for special legislation that provides an exemption from taxation for municipal and school purposes, other than local improvement rates for certain properties, while the corporation occupies and uses the property.

As you are very familiar with these two great establishments here in downtown Toronto, it's very important for the cultural sector here in downtown. One of the problems that we constantly hear is that young, talented artists are lacking platforms to showcase their talent. I think it is appropriate for us to provide this exemption and support to these two corporations. So, humbly, I ask for your support, committee members, on this private bill.

Thank you. I'll pass it on to Mr. Grant Troop, from Massey Hall, and Albert Lin, the legal counsel.

Mr. Grant Troop: Good morning, everyone. I'm the director of operations at The Corporation of Massey Hall and Roy Thomson Hall. We're a not-for-profit charitable organization. We run two well-known and major music venues in the city of Toronto for all Torontonians, Ontarians, Canadians and international visitors to this city. Massey Hall has been in continuous operation since 1894. It was the original home of the Toronto Symphony Orchestra, which is one of our tenant organizations or anchor organizations that provides performing arts.

In 1983, Roy Thomson Hall was opened, so our corporation expanded at that point and we became owner and operator of two major music and arts concert halls in the city of Toronto. Both venues have continuously operated since 1983. We have always been exempt from property taxation on the lands that we own and operate on.

The corporation has been interested in expanding Massey Hall for quite some years. For those of you who are familiar with Massey Hall, it's a beautiful and iconic music facility, but it has always been somewhat hampered in its operations by the extremely small site on which it's situated. This adds to the beauty of the performance hall itself, but unfortunately, in terms of operations for today's music concerts, we're extremely restricted in our ability to provide modern facilities for the support of artists and audiences.

In July of 2014, we were fortunate enough to acquire a new piece of land that is roughly 500 square metres or 5,000 square feet directly to the south of the existing Massey property. That's the land that's in question. Right now, what we're asking for through this private bill is a similar exemption on those lands that we're currently enjoying for all the lands that are part of the corporation and are music venues at this time.

The last point I'd make is that the corporation receives no direct operating support from any level of government. We do have a few performance-based grants through the Ontario Music Fund, but we're not receiving any direct operating funding from the province, the city or the federal government. So we feel that it's appropriate to ask for this exemption of realty taxation on this additional parcel of land that we have acquired.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Before we proceed to committee questions, are there any other interested parties in attendance? All right. Also, are there any comments from the government? Okay.

Let's proceed to questions and comments from committee members. Yes, MPP Gélinas?

0910

M^{me} France Gélinas: I have no problem with what you're requesting us to do. I'm just a little bit curious as to—in the bill, it does mention a “condominium unit.” What's that?

Mr. Grant Troop: Yes. Let me explain that briefly. We acquired the land from a private developer, MOD Developments Inc. Part of the agreement with acquiring the land—because really, this is a very landlocked site. We are directly adjacent to the Elgin and Winter Garden Theatre Centre, which is an asset of the crown and is managed through the Ontario Heritage Trust. There's a condo development happening there, and then there's Massey Hall. It's a very congested area. In order to provide access to municipal services for garbage removal, it was agreed by all of the adjoining properties, including the Elgin and Winter Garden, that MOD Development would provide a basement unit that is essentially a garbage room. All collected recycling and refuse from the properties will go there for storage and then will be brought streetside into St. Enoch's Lane for collection on garbage days. There's no intent to use this condominium unit for anything other than the storage and collection of garbage materials from the sites that are in that particular area.

M^{me} France Gélinas: Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry?

Mrs. Kathryn McGarry: Thank you very much for your presentation. Massey Hall also has great acoustics. I'm not sure that you used those words, but it is a great organization.

A quick question just on condos: Who owns the title for the condominium?

Mr. Albert Lin: I'm happy to address that. Good morning, Madam Chair, and good morning, members of the committee. It will be owned as tenants in common and so it would be between Massey Hall and other tenants in common representing the developer.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP Yurek?

Mr. Jeff Yurek: Just a question: I noticed that you have a motion at city council that went to committee. Where does it stand? Do you have the support of Toronto city council as a whole that this is a go?

Mr. Grant Troop: Yes.

Mr. Albert Lin: That is correct.

The Chair (Ms. Indira Naidoo-Harris): Further questions? MPP Mangat.

Mrs. Amrit Mangat: Thank you, Mr. Troop, for coming to Queen's Park. My question is, are there any interested parties who are opposing this exemption?

Mr. Albert Lin: As part of the process for applying for this bill, we provided notice. Throughout the notice period, we have not received any notice of opposition from potential interested parties.

Mrs. Amrit Mangat: Okay.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments? Okay, are we ready to vote? Are members ready to vote?

All right. Thank you.

As this bill has two schedules that are tied to section 1 of the bill, I'm going to propose that we stand down consideration of sections 1 to 5 until after we have dealt with the schedules. Are we agreed on that? Okay, thank you.

Shall schedule 1 carry? Carried.

Shall schedule 2 carry? Carried.

We will now return to dealing with the main sections of the bill.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Mr. Bob Delaney: That one was easy.

The Chair (Ms. Indira Naidoo-Harris): Yes, that one was easy. All right. Thank you very much.

MPP Gélinas?

M^{me} France Gélinas: I'm just curious: Why is it that those bills are not available in English and French? It's rather rare. All the bills that come to us are always available in English and French, but this one is only available in English.

The Chair (Ms. Indira Naidoo-Harris): I'm just consulting with the Clerk. Apparently, traditionally, Pr bills are in English; however, I will refer to the counsel to clarify for this.

Ms. Catherine Oh: They can be produced in English and French, but it's at the request of the applicant, because private bills are viewed as being promoted. They are promoted and brought forward by an applicant, so when an applicant requires that a bill be in English and French, we can provide that service in my office.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you very much for coming.

828117 ONTARIO LIMITED ACT, 2016

Consideration of the following bill:

Bill Pr40, An Act to revive 828117 Ontario Limited.

The Chair (Ms. Indira Naidoo-Harris): Next up: Bill Pr40.

Good morning. I'm wondering if the sponsor can introduce herself and also introduce the applicants from the agenda.

Mrs. Kathryn McGarry: Thank you very much, Chair. Katherine McGarry, MPP for Cambridge. I'm here to sponsor Bill Pr40 and wanted to introduce Lena Isaacs and Adam Pyne-Hilton—

Interjection.

Mrs. Kathryn McGarry: Sorry, it's Richard Pyne. I'll get him to spell that.

Lena has applied for special legislation to revive 828117 Ontario Ltd. She was a shareholder of the corporation when it was dissolved. The corporation was voluntarily dissolved under the Business Corporations Act on November 2, 2006, pursuant to articles of dissolution. Ms. Isaacs would like to revive the corporation in order to deal with certain property that was held in the corporation's name at the time of the dissolution.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments?

Mr. Richard Pyne: I don't think so, Madam Chair. I think it's pretty straightforward. There's a parcel of vacant land near Tillsonburg which the corporation owns and, of course, can't deal with until the corporation is revived.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you.

Before we proceed to committee member questions, are there any other interested parties in attendance? Also, are there any comments from government?

Questions and comments from committee members? MPP Gélinas.

M^{me} France Gélinas: Pure curiosity, and if you don't want to share, don't feel like you have to because there's a little microphone in front of you: What are your plans for that parcel of land?

Ms. Lena Isaacs: We don't have any at this time. We'd like investigate that after this is done.

M^{me} France Gélinas: Very good.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments from committee members? Are members ready to vote, then? Okay, members are ready to vote.

We are looking at Bill Pr40, An Act to revive 828117 Ontario Limited. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

All right. Thank you very much for coming in.

BUD MONAHAN GUITAR SALES & SERVICE LTD. ACT, 2016

Consideration of the following bill:

Bill Pr41, An Act to revive Bud Monahan Guitar Sales & Service Ltd.

The Chair (Ms. Indira Naidoo-Harris): We will move on to our next order of business, Bill Pr41, An Act to revive Bud Monahan Guitar Sales & Service Ltd.

Mr. Bill Walker: Thank you, Madam Chair. My name is Bill Walker, MPP for Bruce-Grey-Owen Sound, and I am supporting this on behalf of my colleague Gila Martow, the member from Thornhill, who cannot be here

today. It's in relation to Bill Pr41, An Act to revive Bud Monahan Guitar Sales & Service Ltd.

I'll turn it over to the applicant, James Klein from Klein and Associates Professional Corp.

Mr. James Klein: Good morning, ladies and gentlemen. I am the lawyer for Long and McQuade music. Long and McQuade music, if you're not aware of this particular company, is a music store that started in the 1950s. Through hard work and good entrepreneurial spirit, this is a music store that now carries on business throughout Canada in approximately 70 locations.

The bill that is before you pertains to a particular purchase of Bud's Music, which was a small music outfit in Peterborough, Ontario. What's happened over the years with Long and McQuade, and part of the way in which they grow, is that when the owners of some of these smaller music stores which generally are family-type businesses retire, they approach Long and McQuade and ask if Long and McQuade would be interested in purchasing the music store, and usually rebranding it. That's what happened here. There was a purchase of shares of Bud's Music by Long and McQuade. Ultimately, what happens is that the particular music assets end up being transferred to Long and McQuade and they carry forward with their business, either at that location or another location in the same city.

However, what happened after the transfer of the music assets is that the company, Bud's Music, was voluntarily wound up, and there was real estate which was owned by Bud's Music—in fact, the store itself. That was not discovered until there was a subsequent agreement of purchase and sale entered into to sell that particular retail location by Long and McQuade. Then it was discovered that Bud's Music, which is the titled owner, had been voluntarily dissolved.

For that reason, we require a special bill in order to revive the corporation. We've put the closing on hold pending that occurring, and then we can complete the transaction afterwards.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Before we move on to committee member questions, are there any other interested parties in attendance? Okay. Are there any comments from government?

All right, let's move to questions or comments from committee members. Any questions or comments? MPP Gélinas.

M^{me} France Gélinas: It has very little to do with what we're doing here this morning, I'm just curious to see, of the 70 locations, how many are in Ontario? Would you know?

Mr. James Klein: I don't want to guess. It could be half, and the other half are throughout, literally, every other province in the country.

M^{me} France Gélinas: Okay.

The Chair (Ms. Indira Naidoo-Harris): Further questions? Yes, MPP McGarry?

Mrs. Kathryn McGarry: We're happy in Cambridge to have a Long and McQuade. My boys have frequented that establishment.

My question is, this is almost like a housekeeping item, that in order for Long and McQuade to continue, they have to revive this until they complete the purchase?

Mr. James Klein: Not for Long and McQuade to continue, but when they purchased the store that belonged to Bud's Music—they purchased that company. That company had a music store and they actually owned the location. So in order for Long and McQuade to complete a sale of the underlying real estate, Bud's Music—because they own the shares of Bud's Music—has to be revived.

Mrs. Kathryn McGarry: I get it.

Mr. James Klein: Once that happens, actually, we're going to voluntarily dissolve it, because that's just the one step. Unfortunately, it occurred without realizing, until many months later, that there was a piece of real estate there.

Mrs. Kathryn McGarry: Thank you. That clarifies it.

The Chair (Ms. Indira Naidoo-Harris): Are members ready to vote? All right, let's proceed, then. We're looking at Bill Pr41, An Act to revive Bud Monahan Guitar Sales & Service Ltd.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

All right, that wraps up our business of the day. Thank you very much, everyone, for coming in.

The committee adjourned at 0924.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS

Wednesday 4 May 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Mercredi 4 mai 2016

The committee met at 0903 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. Thank you so much for coming in today. The Standing Committee on Regulations and Private Bills will now come to order.

We have two bills that we are considering this morning, so let's get started.

790186 ONTARIO INC. ACT, 2016

Consideration of the following bill:

Bill Pr42, An Act to revive 790186 Ontario Inc.

The Chair (Ms. Indira Naidoo-Harris): First up, I'm going to call up Bill Pr42, An Act to revive 790186 Ontario Inc. If the sponsor and the applicants would come up, please.

I'd like to ask the sponsor to first introduce herself and then also the applicants to introduce themselves.

M^{me} France Gélinas: Good morning. My name is France Gélinas, and I'm the MPP for Nickel Belt. With me today are two of my constituents who have travelled the eight-hour drive from Ivanhoe Lake to Toronto to revive a corporation.

If you want to introduce yourselves and speak in the microphone.

Mrs. Shirley Litt: I'm Shirley Litt, from Ivanhoe Lake.

Mr. Russell Litt: I'm Russell Litt, from Ivanhoe Lake.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much. Welcome. If you have any comments that you'd like to make, please go ahead.

M^{me} France Gélinas: Sure. Russell and Shirley Litt have applied for special legislation to revive 790186 Ontario Inc. The applicants represent that they were the directors of the corporation when it was dissolved. The corporation was dissolved under the Business Corporations Act on December 24, 2007, pursuant to articles of dissolution. The applicants would like to revive the corporation in order to deal with certain property that was held in the corporation's name at the time of the dissolution.

It is appropriate to grant the application.

Therefore—I will read the bill—"790186 Ontario Inc. is revived and is, subject to any rights acquired by any person after its dissolution, restored to its legal position, including all its property, rights, privileges and franchises

and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved."

The act comes into effect when it receives royal assent.

The Chair (Ms. Indira Naidoo-Harris): Do the applicants have any comments they'd like to make?

Mr. Russell Litt: No, I don't think so. What she read off there was what we wanted.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there any other interested parties in attendance who would like to speak? Okay. Are there any comments from government before we move ahead to the members? Thank you very much.

Questions and comments from committee members? MPP McGarry.

Mrs. Kathryn McGarry: Thank you for coming today. At least it's a good weather day to come down from the north.

I just wanted to clarify, then. You had assumed that the real property would be transferred over from that particular company. Can you describe again why you need this company to be brought forward again?

Mr. Russell Litt: Yes. We need this company to have this piece of property transferred over to ourselves. At the present time, it's in the company name.

Mrs. Kathryn McGarry: All right. Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP Mangat.

Mrs. Amrit Mangat: Welcome to Queen's Park.

I'd just like to clarify: Are there any other directors of the corporations, or only both of you are the directors?

Mr. Russell Litt: No.

Mrs. Amrit Mangat: There are no other directors?

Mr. Russell Litt: I'm sorry?

Mrs. Amrit Mangat: Are there any other directors involved in this corporation? How many directors are there?

M^{me} France Gélinas: There's only you and your wife who own the corporation? That's what she's asking.

Mrs. Shirley Litt: Yes.

Mr. Russell Litt: Yes. I'm sorry.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments? All right. Are members ready to vote, then? Thank you.

Shall section 1 carry for Bill Pr42? Carried.

Shall section 2 carry? Carried.
 Shall section 3 carry? Carried.
 Shall the preamble carry? Carried.
 Shall the title carry? Carried.
 Shall the bill carry? Carried.
 Shall I report the bill to the House? Yes.
 Thank you very much.

ISMAILI CENTRE, TORONTO,
 AGA KHAN MUSEUM AND AGA KHAN
 PARK ACT (TAX RELIEF), 2016

Consideration of the following bill:

Bill Pr43, An Act respecting the Ismaili Centre, Toronto, the Aga Khan Museum and the Aga Khan Park.

The Chair (Ms. Indira Naidoo-Harris): Next up, we will be considering Bill Pr43, An Act respecting the Ismaili Centre, Toronto, the Aga Khan Museum and the Aga Khan Park. If the applicants and sponsors could come up. Thank you. Good morning.

Before we begin consideration of Bill Pr43, I should inform the committee that I received a memo from legislative counsel pursuant to standing order 139(f). Copies should have been distributed to all of you in your packages this morning. The applicant should have received a copy as well.

Perhaps legislative counsel could speak briefly to this. I'm going to ask Susan Klein to go ahead.

Ms. Susan Klein: Hi. Thank you, Madam Chair. Very briefly, I'm required by the standing orders to advise the Chair of this committee of provisions in a private bill that are at variance with the usual provisions of private acts on similar subjects.

0910

The subject of the bill is the exemption of specified property from taxation for municipal and school purposes. Usually private acts on this subject authorize the municipal council to pass a bylaw exempting the property from taxation for municipal purposes and to pass a bylaw cancelling any taxes for municipal purposes that have already been levied. The usual private acts go on to provide that if the council passes such bylaws, the property is also exempt from taxation for school purposes, and previous levied taxes for school purposes are also cancelled.

In this bill, the tax exemption and tax cancellation are conferred directly by the bill itself. They are not dependent on the municipal council passing a bylaw, and that's the difference.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you. I'm going to ask the sponsor to introduce himself and also the applicants, please.

Mr. Yvan Baker: Sure. My name is Yvan Baker. I'm the MPP for Etobicoke Centre. I have with me, to my left, Mohamed Dhanani. He is the executive officer of the Aga Khan Council for Canada. To his left, we have Jeff Cowan, who's a solicitor for the Aga Khan Foundation Canada, and on the end we have Refat Jiwani, who's the chief financial officer for the Aga Khan Museum.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Welcome. Do the sponsor or the applicant have any comments they'd like to make?

Mr. Yvan Baker: Sure. I'll be brief, Chair. The applicant is the Aga Khan Foundation Canada, and they are here today in reference to Bill Pr43, An Act respecting the Ismaili Centre, Toronto, the Aga Khan Museum and the Aga Khan Park. This bill is requesting an exemption from the Assessment Act, RSO 1990, c. A.31, and the Education Act, RSO 1990, c. E.2, which would otherwise make portions of the subject property liable to municipal and education taxes.

Ms. Indira Naidoo-Harris: Thank you. Does the applicant have any comments?

Mr. Jeff Cowan: If I may, Madam Chair and members of the committee, thank you for having us here today.

Mr. Baker has indicated the broad purpose of the legislation. Before you, you have a very small handout. I don't know if any of you have had the opportunity to visit the museum, or if at least you're aware of it, but it's a brief overview, to say the least, with respect to the facility that the Aga Khan Foundation Canada has created. Frankly, it's a world-class facility. It's been of great benefit not only to the city of Toronto but to the province. The handout basically gives you some pictures of it to indicate what it represents and then a few brief background facts as to the origins of this.

The Aga Khan Foundation Canada is a registered charity, well known for its humanitarian efforts throughout the world. The park is a public park available to all, and it's a \$300-million asset that was entirely funded by private donations. There was no taxpayer money involved in the building or the cost associated with it with the economic benefits, of course, that derive from that.

The bill's purpose, to exempt from property and education taxes, is basically to put it on a similar foundation, as it relates to those taxes, as other well-known cultural institutions, such as the Art Gallery of Ontario, the Royal Ontario Museum, the Gardiner Museum and other cultural centres that provide the types of activities that are involved with the property.

Part of the property is also the Ismaili Centre, which is a religious entity and a place of worship. That's part of the parcel.

If there are questions that you wish to ask of us, we would be pleased to answer them. If it relates to the legislative counsel's comments, I'd be pleased to deal with that matter. Both the representatives here are more than happy to answer any questions that you may have.

The Chair (Ms. Indira Naidoo-Harris): Thank you very much for your comments, then.

Before we move to the questions from members, are there any other interested parties in attendance?

Are there any comments from government before we proceed to the questions? All right.

Are there questions or comments from committee members here?

Ms. Jennifer K. French: I don't have specific questions; I think this is fairly comprehensive. But I would like to welcome you to Queen's Park. I have had the opportunity to spend a full day at the park and fully appreciate all that I was shown—and more that is there, I'm sure. Anyway, welcome to Queen's Park.

Mr. Mohamed Dhanani: Thank you very much.

Ms. Jennifer K. French: It's good to see you again.

Mr. Mohamed Dhanani: It's nice to see you again too.

The Chair (Ms. Indira Naidoo-Harris): Any other questions or comments from committee members?

Mr. Joe Dickson: Seeing as I make sure that I attend the world walk every year, based out of Toronto, I dare not vote against this, because we're all on the same side. You do such great work.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are we ready to proceed with the vote? All right. We will proceed with the vote.

We are looking at Bill Pr43, An Act respecting the Ismaili Centre, Toronto, the Aga Khan Museum and the Aga Khan Park.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill—oh, sorry.

Mr. Yvan Baker: Point of order.

The Chair (Ms. Indira Naidoo-Harris): A point of order, MPP Baker.

Mr. Yvan Baker: Chair, I would like to move that the committee recommend that the fees and the actual cost of printing at all stages be remitted on Bill Pr43, An Act respecting the Ismaili Centre, Toronto, the Aga Khan Museum and the Aga Khan Park.

The Chair (Ms. Indira Naidoo-Harris): Does everyone have a copy of this motion?

Mr. Jeff Yurek: No, but we're aware.

The Chair (Ms. Indira Naidoo-Harris): Is everyone in agreement with this motion? It's carried, then.

Shall I report the bill to the House? Thank you very much. Carried.

Thank you so much for coming in. It's a pleasure to see you all here today.

That ends the business of the day here for us.

The committee adjourned at 0918.

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Legislative Assembly of Ontario

First Session, 41st Parliament



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Mercredi 1^{er} juin 2016

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AND PRIVATE BILLSCOMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ

Wednesday 1 June 2016

Mercredi 1^{er} juin 2016*The committee met at 0901 in committee room 1.*

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. There are two bills for consideration on the agenda this morning.

BOYS AND GIRLS CLUB
OF NIAGARA ACT (TAX RELIEF), 2016

Consideration of the following bill:

Bill Pr45, An Act respecting the Boys and Girls Club of Niagara.

The Chair (Ms. Indira Naidoo-Harris): Since the applicants for the first one aren't all here, let's move to item 2, Bill Pr45, An Act respecting the Boys and Girls Club of Niagara. If we could ask the sponsor and applicant to please come up and take a seat. Could you please introduce yourselves, the sponsor and the applicant?

Mr. Wayne Gates: Good morning. Wayne Gates, and JoAnne Turner from the Boys and Girls Club.

The Chair (Ms. Indira Naidoo-Harris): Great. Do you have any comments to make?

Ms. JoAnne Turner: Yes, I do. I'll try to be as brief as possible.

Good morning, Madam Chair and the members of the Standing Committee on Regulations and Private Bills. I'm JoAnne Turner, the executive director of the Boys and Girls Club of Niagara. On behalf of the club, I'd like to thank you for your consideration of the proposed Bill Pr45, Boys and Girls Club of Niagara Act (Tax Relief), 2016, which is before you today.

I would also like to thank Mr. Wayne Gates, our MPP from Niagara Falls; Mr. Jim Diodati, our Niagara Falls mayor; and members of the city of Niagara Falls council for their support in the development of this most important bill that could positively impact the children and youth and their families in the city of Niagara Falls for many years to come.

Our club is a not-for-profit charitable organization serving children and youth across the entire region of Niagara and, most prominently, in the city of Niagara Falls since 1960. Our signature programs are after-school programs where we send club buses out to neighbourhoods, we pick up children and youth, and we transport

them to the club's centre. Upon their arrival, we feed them supper—a hot meal—and they have access to a wide variety of activities, which includes swimming, computer and homework club, physical activity and social skills development programs. Then we transport them on our buses back to their neighbourhoods.

We do this with tremendous support from the city and community partners. We do it three times a week through the whole school year for a fee of \$20 for the year. It's not \$20 a day or week, it's \$20 for the whole year, and it might surprise you that many of them don't pay.

In addition, the organization in Niagara Falls has played an integral role in the delivery of municipal recreation programs. With annual funding from the city of Niagara Falls, the club provides over 3,000 swim lessons, gymnastics lessons, martial arts and camp programs for Niagara Falls children, youth and their families.

For 51 years, the programs were offered from a facility owned by the club located on municipally owned land. In 2011, the club, with significant support from the city, relocated the programs from the old building to a newly constructed facility at 8800 McLeod Road, which is the property that is in our bill today. That property was donated to the Boys and Girls Club by a donor, and the project was made possible through federal and provincial not-for-profit infrastructure grant funding. That funding was matched one third by the city of Niagara Falls and the Boys and Girls Club of Niagara through a capital campaign.

The collaboration with the city ensures that the facility is open to all residents of the city of Niagara Falls, not strictly those from low-income families. In 2014, the club and the city learned that as such, the property did not qualify for tax exemption through MPAC.

The imposed property taxes represent an onerous burden that would impact the collaboration with the municipality, the provision of the programs and services to the residents and the viability of the facility. It has presented an unforeseen and unique problem. For our community, we truly need a unique solution.

In consultation with our local leadership at both the municipal and provincial level, we believe that unique solution to be the bill that is before you today. With the support of the city of Niagara Falls, the Boys and Girls Club of Niagara is requesting that the municipality be empowered to exempt the specific land from taxation for

municipal and school purposes, other than local improvement rates, beginning January 1, 2016, while the lands are used for the specific purpose; and to cancel the taxes for municipal and school purposes, other than local improvement rates, that were payable on the land from January 1, 2011, to December 31, 2015.

Your consideration of the materials submitted is most appreciated. On behalf of the club, I'd be pleased to provide further information if you need it. Thank you so much.

The Chair (Ms. Indira Naidoo-Harris): Does the sponsor have any comments that you'd like to add?

Mr. Wayne Gates: I think JoAnne has covered it pretty well, other than that we all know the role that Boys and Girls Clubs play in all of our communities throughout the province of Ontario. The important part of this is that it's supported by the city of Niagara Falls.

The Chair (Ms. Indira Naidoo-Harris): Are there any interested parties in attendance?

Any comments from government before we move to committee member comments? All right.

MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for the presentation today.

One quick question, just to clarify: Were this to proceed, then the city of Niagara Falls would just exempt the taxation while Boys and Girls Club of Niagara is resident on that property?

Ms. JoAnne Turner: That is likely correct. It does have to go back to council and have a full vote from council.

Mrs. Kathryn McGarry: Okay, thank you—and thank you for the work you do.

The Chair (Ms. Indira Naidoo-Harris): MPP Vernile.

Ms. Daiene Vernile: Thank you very much, Ms. Turner, for coming here today.

A quick question for you—I'm just curious about how your organization works. You said it's \$20 per year. That's per child? How many children are part of this program every year?

Ms. JoAnne Turner: We have, complete, 12,000 members. For that particular program, we serve about 3,000 across the region.

Ms. Daiene Vernile: It sounds like a wonderful program, and you're to be commended for the work that you're doing. Thank you.

Ms. JoAnne Turner: Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP Walker.

Mr. Bill Walker: JoAnne, it's a pleasure. I'm a former recreation director, so I'm very familiar with the work that you do in the community and I just want to say thank you very much. Go back to your board and those members who help you out and thank them, because it's a great service that you provide in the community.

One quick question: What type of money are we talking that would be exempted on an annual basis?

Ms. JoAnne Turner: There are arrears right now that are \$420,000. It's debilitating. On an annual basis, it's just under \$80,000.

Mr. Bill Walker: Right. Interesting. Thank you very much.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments from committee members? Okay. Are we ready to vote? All right, great.

What we're looking at is Bill Pr45, An Act respecting the Boys and Girls Club of Niagara.

0910

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you very much for coming in.

Mr. Wayne Gates: Thanks very much. We appreciate it.

Ms. JoAnne Turner: Thank you very much.

1733387 ONTARIO CORP. ACT, 2016

Consideration of the following bill:

Bill Pr44, An Act to revive 1733387 Ontario Corp.

The Chair (Ms. Indira Naidoo-Harris): Next up, if I can ask for the sponsor and the applicant for Bill Pr44, An Act to revive 1733387 Ontario Corp.

Mr. Han Dong: Good morning, Chair, and good morning committee members. How are you?

Interjections.

Mr. Han Dong: Great. It's been a long time.

It's my pleasure to sponsor this private bill, Bill Pr44. With me is Sharon Wang. She can speak to the committee with the details and give the reason why we are asking to revive 1733387 Ontario Corp. Feel free to ask questions. With that, I'll turn it over to Sharon.

Ms. Sharon Wang: Good morning, everyone. Thank you for considering the bill this morning. My name is Sharon. I'm representing my mom. Her name is Liming—

Interjection.

Ms. Sharon Wang: Oh, I'm not speaking loudly enough? Is this good?

Mr. Han Dong: Great. You're doing well.

Ms. Sharon Wang: My mother's business, 1733387 Ontario Corp., was dissolved in January 2014, when her business was sold.

The purchaser of the business required financial assistance at the time of the purchase, and so \$50,000 was loaned to the purchaser by my mother. Since then, we have discovered that the purchaser is not adhering to the terms of the loan, and my mother has been forced to take legal action to recoup her loan. However, her loan of \$50,000 to the purchaser was attached to 1733387 Ontario Corp., and therefore she is requesting that the

corporation be revived in order to continue with legal action.

That is the situation. Thank you for your time and consideration. I'll be happy to answer any questions.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there any other interested parties in attendance here today? Okay.

Any comments from government before we move to committee members? MPP Vernile?

Ms. Daiene Vernile: Can you tell us a little bit more about this business—some background on it?

Ms. Sharon Wang: It was a convenience store. It's a part of the franchise International News, which is right across the street at 800 Bay Street. My mom had operated it for a number of years—I can't remember how many years; I think four or five years—and then she decided to sell it. She sold it in 2013 to a purchaser through our agent.

Ms. Daiene Vernile: So she sold it to an individual?

Ms. Sharon Wang: Yes.

Ms. Daiene Vernile: Tell us about this \$50,000 loan.

Ms. Sharon Wang: At the time of the purchase, the purchaser said they couldn't afford the business and they required some financial assistance. At the time, our lawyer had said that it's common practice to loan some money to the purchaser. The agreement was that the loan was to be repaid within one year of time, but it has been,

I think, two years since the agreement was made and we haven't gotten the money back. That is why legal action is being considered and the corporation needs to be revived.

Ms. Daiene Vernile: If she revives the company, what is going to be the impact on the purchaser?

Ms. Sharon Wang: I don't think there will be any impact on the purchaser per se. I think it's more that the entity needs to be revived in order for legal action to proceed. But I don't think there will be any effect on the purchaser.

Ms. Daiene Vernile: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions or comments from committee members? Are we ready to vote? All right.

We are now considering Bill Pr44, An Act to revive 1733387 Ontario Corp.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you very much, and thank you for coming in today. That wraps up the business of the day.

The committee adjourned at 0915.

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Wednesday 8 June 2016

Mercredi 8 juin 2016

The committee met at 0907 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. We have just one bill for consideration this morning, so let's get to it.

HAROLD COLES INC. ACT, 2016

Consideration of the following bill:

Bill Pr46, An Act to revive Harold Coles Inc.

The Chair (Ms. Indira Naidoo-Harris): Good morning. We are going to be examining Bill Pr46, an Act to revive Harold Coles Inc. I'd like to ask the sponsor and the applicant to please take a seat and introduce themselves.

Miss Monique Taylor: Good morning. I'd like to introduce Mr. Frederick Cameron, who is here from the riding of Welland and will be representing his client, which is Harold Coles Inc.

Mr. Frederick Cameron: Good morning, everybody.

The Chair (Ms. Indira Naidoo-Harris): Does the applicant have any comments you'd like to make?

Mr. Frederick Cameron: I don't have much to add to what's in the compendium. Actually, my client is Ms. Eleanor Coles. She is the widow of the late Harold Arthur Coles. The two of them operated a closely held corporation from 1973 until 2006. In 2006, the corporation was voluntarily dissolved. At that point, it owned a life insurance policy on Mr. Coles's life, with a death benefit something on the order of \$31,000. As the corporation owned property when it was voluntarily dissolved, that property escheats to the crown. When Mr. Coles passed away and my client applied for the life insurance benefit, she was told by London Life that the only way that they would pay out the benefit would be if the corporation was revived. Of course, the only way to do that is to have legislation passed. Miss Taylor has kindly agreed to sponsor this legislation. As my client and her late husband were the sole shareholders and as she was the sole heir under his last will and testament, she will

become the owner of his shares when the corporation is revived. It's her intention to simply cash out the policy, take the proceeds of that and then voluntarily wind up the corporation.

That's all I would have, unless there are any questions.

The Chair (Ms. Indira Naidoo-Harris): Does the sponsor have anything to add?

Miss Monique Taylor: No, I do not, Chair.

The Chair (Ms. Indira Naidoo-Harris): Okay. First of all, before we move to committee members, are there any interested parties in attendance and, if so—I don't believe so. Also, are there any other comments before we move to the members? It doesn't appear so.

I now would like to ask for questions or comments from committee members. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for coming in and representing your client this morning.

I really just wanted to confirm that the applicant is seeking to revive the corporation, cash out all the remaining assets including the life insurance policy, and then close the corporation after and be done with it.

Mr. Frederick Cameron: That's my understanding, yes.

The Chair (Ms. Indira Naidoo-Harris): Further questions or comments?

Are the members ready to vote? Agreed. All right.

We are examining Bill Pr46, An Act to revive Harold Coles Inc.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

Thank you very much, everybody. That brings our meeting to a close.

All the best to you. Thank you very much for coming in today.

The committee adjourned at 0911.

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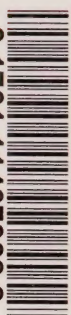
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